Injunctions Pertaining to the Traveller

Author's Forward

As I was completing a tour a few years ago, I travelled a long distance to meet my father at the place where he worked. It was as he prepared to embark on a journey when a controversy arose. He quoted an Aalim who stated that the Shar'i injunctions applicable to the traveller (Musaafir) should be applied as soon as the Musaafir formulates the intention to travel from his place of residence. According to him, it is compulsory for a person to abridge his salaah (called Qasr salaah) immediately upon formulating the intention, even though he is still in his hometown.

This is, of course, incorrect and I had to interject by saying that the laws pertaining to the traveller do **not** apply by merely formulating the intention to travel. Qasr salaah may only be performed once the Musaafir leaves the boundaries of his town after deciding to travel a distance exceeding 88.864 km. Similarly, all other injunctions pertinent to the Musaafir will apply only after he leaves the boundaries of his town.

Once the controversy was settled, it occurred to me whether any book is available wherein all the injunctions pertaining to the Musaafir are compiled and discussed in a thorough manner like the books of Islaamic jurisprudence, which begin from the Chapter of Physical Purity (Tahaarah) and conclude with the Chapter of Freeing Slaves. A search for such a book yielded no results. I repeatedly made the intention to fulfil this task and there were countless occasions when the pen was pushed hard to move. This compilation was finally completed under four hundred headings using Arabic works of jurisprudence and the invaluable writings of our pious predecessors.

In the course of writing, many injunctions have been omitted and I may have erred on numerous occasions. I therefore seek Allaah's forgiveness for this and implore Allaah's bondsmen to overlook these iniquities and to offer their kind advice.

A SPECIAL WORD OF THANKS: It would be extremely ungrateful on my part if I do **not** express my heartfelt thanks to Maulana Radhi Aalam Simsiti (Daamat Barakaatuh). It was his zest for research that drew me to him and he was extremely helpful in locating references and checking manuscripts.

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The Etiquette of a Journey

Etiquette and good manners are those factors of a human’s life that beatify is character. These create within an individual a sparkling beauty and a pleasant social disposition. It is for this reason that the Shari'ah of Islaam offers guidance in the etiquette regarding every aspect of a human’s life. There is **not** a single aspect of life that the Shari'ah has overlooked when it concerns a person’s life as a Musaafir (traveller) or as a Muqeem (non-traveller/resident). In this booklet we will only discuss those etiquette that pertain to the life of a Musaafir.

Imaam Ghazaali (A.R) has stated that before embarking on a journey, the Musaafir should first fulfil all the rights he owes to his family with regard to their maintenance. He should also discharge any trusts in his possession and settle any debts he owes. He must ensure that all matters are taken care of in an amicable manner and that he only takes along with him provisions that are acquired through Halaal sources.

According to Hadhrat Abdullaah bin Umar (R.A), the signs of a respectable person are:

- The provisions for his journey are Halaal.
- His manner of speech along the journey is sweet.
- He treats his companions well.
- He allows others to join him in meals according to his financial capacity.
- He assists his travelling companions as much as possible. These are all traits of a good Musaafir.

During the course of a journey, a person will experience many moments of pleasure and leisure whereby the strain of the journey and the yearning for home is lessened. However, one should be cautious that that these moments of pleasure do **not** let him lose his reins on reality and sobriety, thereby allowing the prickly thorns of ill tempered words to injure the heart.

Choosing a Travelling Companion

Choosing a suitable companion for a journey is an exceptionally important facet of any journey. A travelling companion should possess the following fundamental traits. He should:

- Be Allaah-fearing.
- Be conscious of cleanliness.
- Possess sound beliefs and ideas.
- Be regularly engaged in Dhikr.
- Have an overriding concern for his religious obligations.
- Be of assistance to one in fulfilling one's personal religious obligations.

As a precautionary measure, Rasulullaah (salallaahu-alayhi-wa-sallam) prohibited Muslims from travelling alone. Rasulullaah (salallaahu-alayhi-wa-sallam) said, "If people were aware of the hazards of travelling alone as I am aware of them, none would travel alone by night." (Bukhari. Vol. 1 P 421)

Nominating a Leader for the Journey

When a few persons undertake a journey together, they should nominate an Ameer (leader) from amongst themselves. By doing so, matters like choosing a route will become easy because if a difference of opinion arises, the Ameer will resolve the dispute by taking a decision so that unity is **not** lost. For this reason it is necessary for the Ameer to be a person with foresight and with knowledge of situations and places. He should also be soft-natured, self-sacrificing and flexible enough to amicably accept the opinions of all the companions.

Rasulullaah (salallaahu-alayhi-wa-sallam) has mentioned that the most suitable number of companions for a journey is four. The reason for this number is that there are generally two important tasks to be carried out during a journey; viz. safeguarding the goods and the procurement of necessities like food. If three people travel together and two are required to safeguard the goods, the third person will have to proceed on his own to arrange food and necessities. He will thus feel strange and lonely. However, if they are four, two persons each can take care of the two tasks, making matters easier for all.

Taking Precautions During a Journey

Travellers should be on their guard at all times. Neither should they lose their companions by day nor sleep too deeply by night. It is advisable that they keep awake at night to keep guard. Should a person feel afraid while on guard, he should recite each of the following:

- "Aayatul Kursi" (verse 255 of Surah Baqara).
- Verse 18 of Surah Aal Imraan ("Shahidallahu Annahu Laa Ilaaha Illallahuwa …").
- Surah Ikhlaas.
- "Mu'awwadhatain" (Surah Falaq and Surah Naas).

After reciting these, one should blow on oneself.

The Necessities of a Journey

A person should take the least amount of goods on a journey, ensuring that the necessities are **not** forgotten. Failing to do this could present many difficulties. Rasulullaah (salallaahu-alayhi-wa-sallam) always took the following five items along with him on every journey:

1. Miswaak
2. Surma (antimony)
3. A comb
4. A pair of scissors
5. A mirror

Travelling by Night

If conditions are safe and permitting, a part of the journey should be travelled at night. Travelling by night makes long distances easier because of the stillness and tranquillity of the night. By doing so, the Muslim finds the journey much less strenuous.

Hadhrat Anas bin Maalik (R.A) narrates that the Nabi (salallaahu-alayhi-wa-sallam) said, "Travel by night because the earth is folded at night." [Abu Dawood]

The Right of the Person Who Owns the Conveyance

If a person requests one to sit in front of his animal, car, etc, it should be made clear to him that the right to sit in front is reserved for him (the owner). However, if he insists, one may avail of the opportunity.

Another important etiquette of a journey is that a group of travellers should gather at a place away from the road when camping for the night. In doing so, they should also be careful **not** to occupy more space than they need (so as **not** to inconvenience others). Before settling down at any place, they should first perform two rakaahs of salaah.

The Du'aas of Journeying

Irrespective of the hopes and aspirations one pins in one's journey's end, every traveller is plagued by a strange mixture of happy and sad emotions. He leaves home with a myriad of worries that include his concern for the welfare of his dear ones at home, the safety of his journey and return, as well the grief of separating from those attached to him. However, a great source of comfort from all these perplexities is the du'aas taught by our great spiritual mentor, Hadhrat Muhammad (salallaahu-alayhi-wa-sallam). These du'aas offer the traveller peace of mind and contentment of heart, and are such that they encompass every need of the Musaafir. These du'aas are:

A)

Arabic

"Bismillahi wa'tasamtu Billahi wa Tawakkaltu Alayhi wa Laa Ilaaha Illallahu Wallahu Akbar."

{"I begin this journey in the name of Allaah, depending on Him only and relying totally on Him. None is Worthy of worship besides Him and Allaah is the Greatest."}

B)

Arabic

"Allaahumma Antas Saahibu Fis Safari wal Khalifatu Fil Ahli wal Maali wal Waladi."

{"O Allaah! You are my only True Companion on journey and the Protector of my family, my wealth and my children in my absence."}

C)

Arabic

"Allaahumma inni A'oodhubika Miwwa'thaa Issafari wa Ka'aabatil Manzari wa Soo'il Munqalabi fil Ahli wal Maali wal Waladi."

{"O Allaah! I seek Your refuge from the hazards of the journey, from a terrible sight and from an unpleasant return to my family, my wealth and my children."}

D)

Arabic

"Allaahumma inni As'aluka fi Safari Haadhal Birra wat Taqwa wa Minal Amali Maa Tardha."

{"O Allaah! I beseech You for good and Taqwa on this journey and for the guidance and ability to carry out the deeds that You are pleased with."}

E)

Arabic

"Allaahumma Hawwin Alaynaa Haadhas Safari Watwi Annaa Bu'dah."

{"O Allaah! Make this journey easy for us and fold (lessen) the distance for us."}

When commencing a journey, one should happily greet one's family and friends reciting the following du'aa:

Arabic

"Astawdi' ullah Deenaka wa Amaanataka wa Khawaateema Amalik."

{"I entrust to Allaah your Deen, your trusts and the results of all your deeds."} [Kanzul Ummaal Vol. 3 Pg. 36]

The Du'aa that Rasulullaah (salallaahu-alayhi-wa-sallam) would Recite when Bidding Someone Farewell

Arabic

"Zawwaadakallahut Taqwa wa Ghafara Dhambaka wa Wajjahaka lil Khayri Haythu Tawajjahta."

{"May Allaah grant you the provision of Taqwa, may He forgive your sins and guide you towards good wherever you may be."}

The Du'aa to be Recited at the Door when Departing

Arabic

"Bismillahi Tawakkaltu Alallahi wa Laa Hawla wa Laa Quwwata illa Billahi Rabbi A'oozubika an Adilla aw Udilla aw Adhilla aw Udhilla aw Azilla aw Uzilla aw Azlama aw Uzlama aw Ajhala aw Ujhala Alay."

{"I begin in the name of Allaah, trusting only in Allaah. The ability to refrain from sin and the strength to do good is only from Allaah. O my Rabb! I seek Your protection from going astray or from being led astray; from disgracing myself or from being disgraced; from slipping or from being made to slip; from oppressing others or from being oppressed; from behaving ignorantly or from others behaving ignorantly towards me."}

The Du'aa to be Recited After Exiting the Door

Arabic

"Allaahumma bika Intashartu wa Alayka Tawakkaltu wabika'tasamtu wa Ilayka Tawajjahtu. Alhumma Anta Thiqati wa Anta Rajaa'i Fakfini maa Ahammani wa Jalla Thanaa'uka wa Laa Ilaaha Ghairuk. Allaahumma Zawwidnit Taqwa wagh Firli Dhambi wa Wajjihnil Khayra Aynamaa Tawajjahtu."

{"O Allaah! I walk by Your aid, trusting only in You, seeking Your protection and turning towards You. O Allaah! In You is my trust and in You do I pin my hopes, so suffice for me against all my worries. Your praise is lofty and none is worthy of worship besides You. O Allaah! Grant me the provision of Taqwa, forgive my sins and direct me towards good wherever I may be headed."}

The Du'aa When Mounting One's Conveyance

Arabic

"Subhaanalladhi Sakkharra lanaa Haadhaa wa maa Kunna lahu Muqrineen wa innaa ilaa Rabinaa Lamunqaliboon."

{"Pure is Allaah, who has subjugated this (conveyance) for us whereas we would never have been able to control it. We shall all certainly return to our Rabb."} [Surah Zukhruf (43), Verse 13]

The Du'aa for Boarding a Ship

Hadhrat Khawla bint Hakeem (R.A) reports from Rasulullaah (salallaahu-alayhi-wa-sallam) that the Ummah will be saved from drowning if they recite the following two Qur'aanic verses when boarding a ship:

(1)

Arabic

"Bismillahi Majrehaa wa Mursaahaa inna Rabbi Laghafoorur Raheem."

{"With the name of Allaah shall it travel and anchor. Surely my Rabb is the Most Forgiving, the Most Merciful."} [Surah Hood (11), verse 41]

(2)

Arabic

"Wa Maa Qadarullaha Haqqa Qadrihi wal Ardhu Jamee'an Qabdhatuhu Yawmal Qiyaamati was Samaawaatu Matwiy Yaatum Biyameenih. Subhaanahu wa Ta'aala Ammaa Yushrikoon."

{"They have **not** revered Allaah as he deserves to be revered, whereas, on the Day of Qiyaamah, the entire earth will be in His grasp, and the skies will be folded in His right hand. He is Pure and Exalted

above all that they ascribe as partners to Him."} [Surah Zumar (39), verse 67]

(Muntakhab Kanzul Ummaal, Vol. 3 Pg. 37)

The Du'aa for Entering a Town

Arabic

"Allaahumma inni As'aluka min Khayri Haadhi hil Qaryati wa Khayri Ahlihaa wa Khayri maa Feehaa wa A' oozubika min Sharrihaa wa Sharri Ahlihaa wa Sharri maa Feehaa."

{"O Allaah! I ask You for the good of this town, for the good of it's inhabitants, and for the good of the things within it. I seek Your refuge from it's evil, from the evil of it's inhabitants and from the evil of the things within it."}

What to Recite when Ascending or Descending a Gradient

When ascending any incline while on a journey, one should recite "Allaahu Akbar!" thrice. "Subhaanallah" should be repeated thrice when descending a slope.

Choosing a Day for Starting a Journey

Our beloved Nabi (salallaahu-alayhi-wa-sallam) commenced most of his journeys on a Thursday. He also preferred Mondays as a day to proceed on a journey. It would therefore be Mustahab to commence one's journey on one of these two days if nothing presents an obstacle. [Abu Dawood]

Travelling on a Friday

If a person has to undertake a journey on a Friday, there is no harm if he proceeds before Zawaal (midday) even though he will be travelling

to a place where the Jumu’ah salaah is **not** performed. However, it is Makrooh Tahreemi to embark on such a journey on a Friday after Zawaal without performing the Jumu’ah salaah. This is so because the Jumu’ah salaah is Waajib for a Muqeem (resident of a town).

Hadhrat Abdullaah bin Umar (R.A) has stated, “Jumu’ah does **not** prevent a person fom undertaking a journey as long as the time for the Jumu’ah salaah has **not** arrived.” [Kanzul Ummaal Vol. 1 Pg.40]

The Time for Commencing a Journey

The early morning is a most blessed time indeed and it is most conducive that any task be started during this time. It is therefore best to commence one’s journeys early in the mornings.

Hadhrat Jaabir (R.A) reports that Rasulullaah (salallaahu-alayhi-wa-sallam) made the following du’aa: “O Allaah! Bless my Ummah in their early mornings” (Mishkaat – Vol. 2 P 339). Hadhrat Sakhra (R.A) says that after hearing this du’aa he began to dispatch his goods early in the mornings. As a result, he experienced extraordinary blessings which he never experienced before.

The Virtue of Performing Two Rakaahs of Nafl Salaah Before Departing

From all the perceptible and non-perceptible things that a Musaafir can leave behind for his family, the hadith of Rasulullaah (salallaahu-alayhi-wa-sallam) states that the most blessed, the best and the most effective in drawing Allaah’s mercy is the two rakaahs of Nafl salaah that the Musaafir performs before leaving.

Hadhrat Jaabir (R.A) reports that Rasulullaah (salallaahu-alayhi-wa-sallam) stated, “The two rakaahs salaah that a person performs by his family before embarking on a journey is the best thing that he could leave for them.” [Kanzul Ummaal Vol. 3 Pg. 38]

The Virtue of Dhikr While Travelling

The incessant flood of worries, hardships and good fortune that continuously barrage the Musaafir throughout his journey will often agitate him. Rasulullaah (salallaahu-alayhi-wa-sallam) has prescribed

the perfect cure for this situation when he advised Muslims to remain constantly engaged in Allaah's Dhikr (remembrance). It has been reported in a hadith that when a person engages in Allaah's Dhikr while travelling, an angel remains with him to gives him peace of mind. At the same time, the heart and tongue are kept fresh and active when in the state of Dhikr. However, when travellers engage in futile talks and singing, then a Shaytaan becomes their companion to create grief and hardship for them.

Rasulullaah (salallaahu-alayhi-wa-sallam) stated, "When a traveller devotes himself to Allaah and Allaah's Dhikr during his journey, then an angel rides with him. However, when he engages in futile poetry, then a Shaytaan becomes his companion." [Muntakhab Kanzul Ummaal Vol. 3 Pg. 38]

The Virtue of Five Short Surahs of the Qur'aan While Travelling

There cannot be a single Musaafir who does **not** wish that his journey be blessed and filled with good fortune. To acquire this, one should practise on the advice contained in a hadith in which Rasulullaah (salallaahu-alayhi-wa-sallam) advised that a person's journey will be always be blessed, pleasant and profitable if he recites the following five Surahs of the Qur'aan during the course of the journey:

1. Surah Kaafiroon (109th Surah of the Qur'aan).
2. Surah Nasr (110th Surah of the Qur'aan).
3. Surah Ikhlaas (112th Surah of the Qur'aan).
4. Surah Falaq (113th Surah of the Qur'aan).
5. Surah Naas (114th Surah of the Qur'aan).[1]

One should recite Surah Quraish (106th Surah of the Qur'aan) whenever one senses fear during a journey. The famous saint Abul Hasan Qazwini (A.R) says that this Surah offers succour from all fears and calamities. [Hisnul Haseen Pg. 170]

The Du'aa for Taking up Temporary Residence En Route

[1] Hisnul Haseen Pg. 177

A traveller can never be at ease if he has to take up temporary residence at any place en route to his destination irrespective of how idyllic the setting may be. The only thing that will calm a person’s anxiety and will prepare the ground for him is the du’aa that Rasulullaah (salallaahu-alayhi-wa-sallam) taught us in this situation. The du’aa is:

Arabic

“A’oozu Bi Kalimaatillahit Taammaati min Sharri maa Khalaq”

{“I seek the protection of Allaah’s complete words from the evil of whatever He has created.”} (Kanzul –Umwal – Vol 3 P 38)

Imaam Tirmidhi (A.R) has narrated a hadith in which it is stated that whoever recites this du’aa thrice in the mornings and the evenings, he will be protected against any poisonous creatures throughout the day. [Ma’aariful Hadith Pg. 220]

The Supplications of a Musaafir

Allaah has declared that He will accept the du’aa (supplication) of any of His bondsmen. However, the du’aas of certain people receive special attention and are more readily accepted. Amongst these are the du’aas of parents for their children, the plea of an oppressed person and the du’aa of a Musaafir. [Tirmidhi Vol. 2 Pg. 9]

Therefore, a Musaafir is closely attached to Allaah till he reaches home and should be requested for du’aas. However, this does **not** apply to every Musaafir. It only applies to those travellers whose sustenance is of Halaal means and who abstains from Haraam. A hadith is narrated in Jam’ul Fawaa’id in which Rasulullaah (salallaahu-alayhi-wa-sallam) speaks about a traveller in a pitiable state crying out “O my Rabb! Oh my Rabb!”. However, his pleas are ignored because his food, clothing, wealth and provisions are all derived from Haraam sources.

When on Journey, One is Rewarded for the Deeds One Usually Performs at Home Without Actually Carrying them out

While on journey, one’s daily routine is upset and one is unable to carry out certain deeds that he would never forgo whilst at home because they have become dear to his heart. However, Allaah’s grace knows no bounds and Allaah continues to include these deeds to his records of actions on a regular basis for the entire duration of his journey. [Mirqaat Vol. 7 Pg. 270]

The Reward for Serving One’s Travelling Companions

Journeys are usually plagued with a variety of inconveniences and hardships. In such circumstances, every person desires to have some comfort and ease. If on such an occasion one should sacrifice one’s personal comfort to serve others, this act will narrate an event of a noble character and self-sacrificing nature.

Rasulullaah (salallaahu-alayhi-wa-sallam) has mentioned that the Ameer of a group is actually a travelling servant to the rest of them. Rasulullaah (salallaahu-alayhi-wa-sallam) added that that none can be superior in virtue and rewards than the person who excels others in serving his fellow companions except for the Muslim warrior who sips from the cup of martyrdom. [Kanzul Ummaal Vol. 3 Pg. 38]

Three Acts of Honour When Travelling

Hadhrat Ali (R.A) has mentioned that the following are three acts of nobility while one is at home:

1. Reciting the Qur'aan.
2. Frequenting the Masjid.
3. Forming a circle of friends who assist in good works.

He then continued to mention that the following are acts of nobility when travelling:

1. Spending one’s provisions on the poor.
2. Displaying impeccable character towards others.
3. Dealing with fellow travellers in a most civil and cordial manner. [Ma’aariful Qur'aan Vol. 1 Pg. 243]

The Virtue of Undertaking a Journey Solely to Meet Others

Visiting other Muslims so that mutual love, respect and understanding are fostered is an act **not** bereft of rewards. Specially undertaking a journey for this noble purpose holds additional rewards and draw Allaah’s special mercies. Rasulullaah (salallaahu-alayhi-wa-sallam) has mentioned that when a Muslim goes out to meet his fellow Muslim, Allaah’s mercy continuously descends on him until he returns. The same occurs when a Muslim visits a sick Muslim.

A hadith states, “When one visits a sick person or visits a Muslim brother for Allaah’s sake, an angel announces, ‘You have done well, your walking is blessed and you have built for yourself a mansion in Jannah!’” (Al Targib – Vol 3 P 364)

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Permitted and Forbidden Journeys - The Types of Journeys

The renowned Mufassir (commentator of the Qur'aan) Allama Qurtubi (A.R) writes that a person usually undertakes a journey from his homeland for one of two reasons. He may be forced to leave on account of difficulties and calamities which he attempts to flee from. The second reason for which he may leave his homeland is in search of a living or some dream he is eager to pursue. Those journeys that one undertakes for the first reason (on account of difficulties) may be classified into the following six categories:

1. Hijrah

Hijrah entails migrating from a land of kufr towards a land of Islaam. Hijrah was Fardh (obligatory) during the time of Rasulullaah (salallaahu-alayhi-wa-sallam) and will remain Fardh on Muslims till Qiyaamah according to their relative situations and periods and depending on their capabilities to migrate. Hijrah will be Fardh on a Muslim when his safety, honour, life, wealth, Imaan and religion are constantly in jeopardy or it is impossible for him to practise the injunctions of Islaam. If a Muslim continues to live in such conditions despite having the ability to migrate, he will be sinful.

2. Migrating from a Place of Bid'ah

Ibn Qaasim (A.R) narrates that he heard Imaam Maalik (A.R) say that it is **not** permissible for any Muslim to live in a place where people revile the pious predecessors of the Muslims. Quoting this statement, Allaama Ibnul Arabi (A.R) comments that this is correct because if one is unable to stop any evil, one should at least leave the place where the evil is perpetrated. This conforms to the verse of the Qur'aan where Allaah says, **"When you see those who engage in finding fault with Our verses, then turn away from them."** [Surah An'aam (6), verse 68]

3. Migrating from a Place Where Haraam is Predominant

When one is living in a place where people have no regard for Halaal and Haraam, due to which it is impossible for one to earn a Halaal living, it will be necessary for one to leave the place. This is so because it is the binding duty of every Muslim to earn Halaal sustenance and to abstain from Haraam income.

4. Migrating from a Place To Avoid Physical Injury

When one is in danger of being physically harmed, one will have to leave, that place to safeguard oneself from harm. Hadhrat Ibraheem (A.S) was the first to undertake such a migration when he left Iraq under persecution from his people and took up residence in Shaam (Syria). It was then that he mentioned, **"I shall migrate to my Rabb." (Surah Ankaboot (29), verse 26)** After Hadhrat Ibraheem (A.S) it was Hadhrat Moosa (A.S) who migrated for the same reason from Egypt to Madyan.

5. Migrating from a Place because of Poor Health or the Danger of Illness

Good health is a great boon. Therefore, if the climate and conditions of an area are unfavourable for one's health one should leave the place. Rasulullaah (salallaahu-alayhi-wa-sallam) instructed some people to live in an area outside Madinah when the conditions within Madinah were unfavourable for them.

In a similar manner, Hadhrat Umar (R.A) instructed Hadhrat Abu Ubaydah (R.A) to take up residence in a high-lying area of Jordan where the air was **not** contaminated. Such a change of residence is only permissible when an epidemic has **not** already swept through a town. Once an epidemic has already struck an area, it is **not** permissible to flee from it.

6. Migration for the Safety of One's Wealth

Just as the Shari'ah attaches due importance to the honour and life of a Muslim, it also values his wealth and property. It is for this reason that a Muslim who is killed in defence of his wealth is regarded as a Shaheed (martyr). It is therefore necessary that a person migrate from a place where the safety of his wealth is threatened.

Other Reasons that Necessitate Travel

People also undertake journeys to achieve certain objectives. Journeys undertaken for such reasons are of nine types:

1. Travelling to Take a Lesson

One may travel with the intention of witnessing manifestations of Allaah's greatness and also to learn of the rise and fall of past nations so as to reflect on one's life. Such travels are worthwhile and also encouraged in the Qur'aan. Numerous verses of the Qur'aan exhort man to travel through the lands to witness the plight of the nations before them. The famous travels of Dhul Qarnayn (A.R) was of the same nature.

2. Travelling for Hajj

The factors that make Hajj Fardh for a Muslim are cited in the books of Islaamic jurisprudence and are well known amongst people.

3. Travelling for Jihaad

According to the times and situations, travelling for Jihaad will either be Fardh, Waajib or Mustahab. The details can be referenced in the books of Islaamic jurisprudence.

4. Travelling to Earn a Living

A person may travel out of his hometown to earn a living when he is unable to do so there.

5. Trade Journeys

The Qur'aan speaks about travelling for the sake of trade and commerce in the following words, **"There is no harm if you seek your livelihood from your Rabb (referring specifically to trade in this context)."(Surah Baqara, verse 198)**

6. Travelling to Acquire the Knowledge of Deen

It is Fardh Ain (incumbent on every individual Muslim) to acquire the basic knowledge of Deen. It is also Fardh on every community (Fardh Kifaayah) that someone amongst them possesses knowledge of the details pertaining to Deen. Therefore, if travelling is required to meet these objectives, it will be Fardh Ain and Fardh Kifaayah respectively for people to travel in search of the relevant knowledge.

Imaam Ghazaali (A.R) has stated that acquiring the knowledge of Deen may sometimes be Waajib and sometimes Nafl (optional). It will therefore be Waajib to travel in search of Waajib knowledge and Nafl to travel in search of Nafl knowledge. Historians have recorded remarkable incidents with regard to such travels.

It is reported that Hadhrat Jaabir (R.A) and ten companions once undertook a month's journey to Egypt solely to hear a hadith from Hadhrat Abdullaah bin Unays Ansaari (R.A) who had heard the hadith directly from Rasulullaah (salallaahu-alayhi-wa-sallam). Hadhrat Sa'eed bin Musayyib (A.R) used to travel for days on end just to hear single Ahadeeth.

7. Travelling to a Place because of it's Sanctified Nature

Senior Ulema have permitted people to travel to places that they regard as sacred. Imaam Ghazaali (A.R) has mentioned that if people were visited during their lifetimes because they were blessed, blessings will also be derived when their graves are visited after their deaths. One is **not** prohibited from visiting these graves [Ihyaa'ul Uloom, Vol. 2]. Many Ulema differ on this viewpoint. The details will be discussed later in this booklet, Insha Allaah.

8. Travelling to Safeguard the Borders of the Islaamic State

This exercise is referred to as "Ribaat" and holds tremendous virtue.

9. Travelling to Meet Family and Friends

The Ahadeeth have also lauded this type of a journey as one warranting great rewards. However, the precondition for reward is that the meeting takes place solely for Allaah's pleasure. [Tafseer Qurtubi Vol. 5 Pgs. 349-351]

Travelling to Visit Graves

It is permissible to visit the grave of any person, be it a member of one's family, a late associate, a saint, etc. Imaam Ghazaali (A.R) quotes a hadith in which Rasulullaah (salallaahu-alayhi-wa-sallam) told the Sahaaba (R.A), "I used to prohibit you from visiting graves. You now have permission to visit the graves, so visit them." Imaam Ghazaali (A.R) deduced from this that visiting any grave is permissible because the hadith does **not** restrict the nature of graves to those only in one's locality. The word may apply to any grave; be it local or distant. It would therefore be permissible to travel distances in order to visit graves. [Ihyaa'ul Uloom Vol. 1 Pg. 244; Shaami Vol. 1 Pg. 665]

NOTE: If visiting a grave entails any act contrary to the Shari'ah (as is common in the "Urs" functions held nowadays) then it will be compulsory for one to abstain from participating. [Imdaadul Fataawaa Vol. 5 Pg. 82]

A Visit or Letter of Condolence

When a person is struck by any tragedy, the grief can be considerably reduced when family and friends gather around to offer support and words of succour and encouragement. It is for this reason that Rasulullaah (salallaahu-alayhi-wa-sallam) expressed the virtue of this act in the Ahadeeth. He said, "Whenever a Mu'min (believer) consoles his brother who has suffered a tragedy, Allaah will clothe him (the comforter) with the clothing of honour on the Day of Qiyaamah."

Rasulullaah (salallaahu-alayhi-wa-sallam) has also mentioned, "The person who consoles someone afflicted by a calamity will receive a reward equal to that of the afflicted person." Since there lies great rewards in consoling a bereaved person, it stands to reason that travelling for this purpose will add to the rewards.

If a person cannot present himself personally to console someone, he will have acted on the Sunnah if he does so by correspondence. Rasulullaah (salallaahu-alayhi-wa-sallam) wrote a letter to Hadhrat Mu'aadh bin Jabal (R.A) when the latter's son passed away. This letter has been quoted in the book Hisnul Haseen.

What should be Done When One's Parents Refuse One Permission to Travel in Search of Religious Knowledge?

It should be borne in mind that Deeni (religious) knowledge if of three types, (a) Fardh Ain, (b) Fardh Kifaayah and (c) Mandoob (Mustahab).

It is Fardh Ain (i.e. compulsory on every individual) that every Muslim has the basic knowledge of Deen like the laws pertaining to salaah, fasting, zakaah and everyday affairs. Possessing knowledge of the finer aspects regarding these matters is Fardh Kifaayah (i.e. if someone in the community discharges the responsibility, the rest will be absolved). Specialising and gaining mastery in this field is Mandoob.

Therefore, if one's parents forbid one from proceeding to seek knowledge that is Fardh Ain or Fardh Kifaayah and there is no danger of them or his dependants losing their lives in his absence (i.e. there is someone to care for them in his absence and they have ample provisions), he should proceed. It will however be necessary to hearken to their protests if there exists a threat to his life or moral well being in the journey. Similarly, it will **not** be permissible for him to leave in search of knowledge if he is the sole provider for his parents and children and will be unable to continue in his role because of seeking knowledge.

Obedience to parents is however better than seeking knowledge that is Mandoob.

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It is Impermissible to Flee from an Area that has been Affected by an Epidemic

As this book was being compiled, a historic plague ravaged the non-Muslims in the district of Surat in India. It was when this punishment from Allaah descended that the following supplement was added to this book.

The decision of life and death is a decree of fate that forces all mighty powers of the world to kneel in submission and thwart all plans and schemes. There have been many who have fled from places because of fear for death, but death turned out to be their companion on the journey, seizing them along the road. There have also been so many who have lay trapped in the clutches of debilitating diseases and have still traversed through various stages of their lives.

It is therefore evident that the death or affliction of one person can never indicate that another person will also die or be afflicted. Every person will die at the time predestined. If a person dies in a plague, it should be understood that Allaah has predestined that the person's death should occur during the plague. A person's Imaan will therefore be questionable if he flees from a plagued town with the belief that fleeing will save him from death and that he will surely die if he stays behind in the town. To save Muslims from this questionable Imaan, the Shari'ah has forbidden Muslims from leaving a town afflicted by a plague. Only that will happen which Allaah decrees.

The Qur'aan has warned us about the plight of a nation in ancient times who, due to weakness in their Imaan, did **not** rely on Allaah's predestination. It once occurred that an epidemic swept through a town. Thinking that by fleeing from the town they will be saved from death, seventy thousand people deserted the town. As a punishment for this false notion, Allaah caused all of them to die instantly. They all dropped dead in an instant and there was none to even bury them. They lay in this state for a long time till a Nabi passed by them one day and prayed to Allaah to restore them to life. Allaah brought them all back to life as a lesson to them and to all of humanity, that none can flee from death. This incident is referred to in the verse: **"Have you not seen those people who fled their homes in the thousands**

out of the fear of death? Allaah said unto them, "Die!" and then brought them all back to life." [Surah Baqara, verse 243]

Rasulullaah (salallaahu-alayhi-wa-sallam) stated, "If you hear about an epidemic in any area then do **not** go there. However, if it afflicts and area in which you happen to be then do **not** leave there." [Bukhari Pg. 853]

However, the following points should be noted:

- If one's faith is firm in the fact that everything happens by Allaah's decree and that nothing can happen without Allaah's will, then such a person will be allowed to leave the town if necessary.
- Similarly, if one entered the town for some necessity after which the epidemic spread, one will be allowed to leave the town after completing one's task. However, one must note that one's faith is firmly rooted and sound.
- It is permissible to leave the plagued town for a pressing exigency.
- There is no harm in going towards the fringes of the town for a breath of fresh air.

Why is it not Permissible to Enter a Town that has been Afflicted by an Epidemic?

Although every Mu'min believes that everything happens only by the will of Allaah, we are **not** permitted to enter places an epidemic has spread because if a person is destined to be affected or to die in the epidemic, people with weak Imaan will attribute the occurrence to the epidemic. The prohibition for entering an area of plague is therefore for the safety of peoples' Imaan. (Hadith as above)

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Can a Woman Travel Alone for a Distance Less than the Distance of Safar?

Women are physically weaker and more feeble than men. In addition to this, the Islaamic system of values attaches paramount importance to the safety and chastity of women. It is for these reasons that the Shari'ah has stipulated special guidelines for every situation in which the chastity and honour of a woman may be jeopardised. One such situation is travelling alone. The Shari'ah has therefore emphasised that a woman should never travel without a Mahram[2] accompanying her.

Since there is little or no danger involved when a woman travels a distance less than that of Safar (88,864 km), the Shari'ah has allowed women to travel such a distance without a Mahram. However, since a woman's honour is so greatly jeopardised in today's times, it will be improper for her to even travel a small distance without a Mahram. Based on this, Hadhrat Imaam Abu Yusuf (A.R) has stated that he would **not** allow women to travel alone (irrespective of distance). Hadhrat Imaam Abu Haneefa (A.R) has stated that although a woman will be unable to remain safe from evil over a short distance also, the sin of travelling without a Mahram for a distance more than 88,864 km is undoubtedly more than the sin of travelling without a Mahram for a shorter distance. [Bazzaaziya Vol. 1 Pg. 170]

Can a "Muraahiqa" Travel without a Mahram?

A "Muraahiqa" is a girl who is about to reach puberty at any time. It is **not** permissible for her to travel without a Mahram and will be sinful if she does.

Can an Old Woman Travel Without a Mahram?

When a woman has reached an age when she no longer has any sexual passions whatsoever, it is permissible for her to travel without a Mahram, just as, it is permissible to shake her hands.(Shaami Vol 5)

[2] The husband or a male relative who cannot be married to the woman e.g. her father, brother, uncle, nephew, etc.

Travelling with a Mahram who has not yet Reached the Age of Puberty

Because women are generally weaker than men, they require assistance during the course of travelling. In addition to this, the Mahram is also required to safeguard her chastity. It is obvious that a young Mahram, who himself, requires assistance and protection cannot serve this purpose when travelling with a woman. His presence is therefore equal to his absence. Therefore, travelling with a Mahram who has **not** reached the age of puberty, is like travelling without a Mahram altogether and will be regarded as a sin. [Aalamgeeri Vol 1 P 219]

Travelling with a Group of Trustworthy Ladies

It is **not** permissible for a woman to travel with a group of trustworthy ladies unless her Mahram accompanies her. This is so because Rasulullaah (salallaahu-alayhi-wa-sallam) clearly stated, "It is **not** permissible for a woman who believes in Allaah and the Last Day, that she travels for three or more days without being accompanied by her father, her son, her husband, her brother or a Mahram relative."

A Mahram is Necessary for a Flight lasting even a Few Hours

There was a time when distant journeys took a very long time to travel. The time has now come when these journeys last only a few hours by air. The question arises with regard to the necessity of a Mahram during short flights. In the light of the Shari'ah, a woman is required to be accompanied by her Mahram when she travels any distance exceeding the Safar distance of 88,864 km, even though the distance may take a few moments to traverse. [Fataawaa Raheemiyya Pg. 214]

What Should be Done if the Mahram becomes Separated during the Journey?

It may occur that a woman's Mahram dies or becomes separated from her during the course of the journey. In such a case, the woman should

ascertain her whereabouts. If the distance between her location and the final destination is less than the distance of Safar, she should proceed to the destination. On the hand, if the distance between her location and her hometown is less than the Safar distance, she should return home. If the distance to her destination, as well as the distance to her hometown exceed the Safar distance, she should take up residence in the nearest safe town. From here she should attempt to locate her Mahram. If it is **not** possible to stay at such a place for any reason, she should make her way back home. [Badaa'ius Sanaa'i Vol. 3 Pg. 207]

If the Husband does not Object to his Wife Travelling Alone

Since it is **not** permissible for a woman to travel without a Mahram, she will be sinful if she does so. Her husband will be just as sinful if he allows her to travel without a Mahram. Rasulullaah (salallaahu-alayhi-wa-sallam) mentioned, "Whoever sees an evil being perpetrated should change it with his hand. If he is unable to this, he should do so with his tongue. If he is unable to do this even, then he should do so with his heart (by regarding the act as a sin) and this is the weakest form of Imaan." [Mishkaat Vol 2 Pg. 436]

When the Husband has no Right to Restrain His Wife from Travelling

A woman may normally never travel without her husband's consent. However, there are instances when a woman does **not** require his consent to travel. If fact, it is necessary for her to undertake these journeys even though he prevents her. One such case is when she wishes to proceed for her Fardh Hajj and has a trustworthy Mahram to accompany her. She may also proceed without his consent, if she has to visit her parents or ailing relatives after a long time or if she has to go out to enquire about a Shar'i ruling which her husband cannot advise her on or which he does **not** have the capacity of understanding. (Qazi Khan – Vol 1 P 443)

Travelling in Search of Knowledge while Leaving One's Young Wife at Home

It is Waajib (compulsory) for a husband to provide for his wife and it is also compulsory that he cohabit with her at least once in four months. It is therefore permissible for the husband to be out on travels only if he will **not** be infringing on these rights owed to his wife. If he fears that she will be cast into sin if he has to travel, it will **not** be permissible for him to leave her. However, if she consents to him leaving her for a period longer than four months, it will be permissible for him to do so as long as he has no fear of her falling into sin. [Durrul Mukhtaar Vol. 2 Pg. 432]

How Often Should a Married Employee be Allowed to Visit his Wife?

Besides providing for one's wife, it is Waajib for a husband to cohabit with her at least once in four months if she is young and when he fears that she should **not** fall into sin. However, if she can bear without him for a longer period and there is no fear of falling into sin, then he may even stay away from her for an entire year. [Fataawaa Mahmoodiyya Vol. 5 Pg. 196]

The Wife has the Right to Refuse to Travel

It is only appropriate that a person's lifelong companion be willing to respond to her husband's bidding and be a source of comfort for him through every heartache and difficulty he may ever encounter. She should be prepared to persevere with him wherever he may be and wherever destiny may take them. If her husband wishes to take her along with him on a journey for companionship, it behoves a good wife to oblige. However, she will be acting perfectly within her Shar'i right if she refuses to accompany him. [Fataawaa Daarul Uloom Vol. 6 Pg. 419 and Durrul Mukhtaar Vol. 2 Pg. 391]

Which Wife Should be Taken Along on a Journey?

A husband has to treat his wives equally with regard to maintenance, lodging and spending the night. If he fails to maintain equality in any of these regards, Allaah will take him to task on the Day of Qiyaamah. Amongst the many concessions allowed on journeys, one is that a husband is **not** constrained to maintain equality between them in choosing one of them to travel with him. He does **not** have to draw lots

to decide which of them will accompany him, but may decide on whichever one he pleases. Of course, it will be best if he does draw lots so that none may feel prejudiced. [Durrul Mukhtaar Vol. 2 Pg. 435]

What if Another Wife Turned Up as Well?

After choosing which of his wives will accompany him on a journey, it is possible that a husband finds that another wife has also tagged along. In this case it is incumbent for him to share his nights equally between the two. He will also have to exercise equality between them in all other matters unless one of them is prepared to forgo her dues. [Fataawaa Daarul Uloom Vol. 8 Pg. 406]

Equality in Gifts

A husband has to exercise equality between his wives when it comes to food, clothing, lodging, spending the nights and giving gifts. He will be guilty of injustice if he gives a gift to any of them without giving the same to the others. [Fataawaa Daarul Uloom Vol. 8 Pg. 404 Darul Mukhtar, Vol2 P 431]

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Injunctions Pertaining to the "Watn Asli"

The Definition of "Watn Asli"

Although the Fuqahaa seem to have tendered different definitions of the term "Watn Asli" these are all really various interpretations of the same concept. The Watn Asli usually refers to a person's hometown where he has taken up residence or a place besides his birthplace in which he has assumed permanent residence along with his family. After settling, he now has no intention of leaving the place. [Bahrur Raa'iq Vol. 2 Pg. 136]

The Definition of "Watn Iqaamah"

The "Watn Iqaamah" is a temporary place of residence where a Musaafir intends to stay for a period of fifteen days or more, after which he intends to proceed elsewhere. [Fat'hul Qadeer Vol. 2 Pg. 16]

Allaama Ibn Nujaym Misri (A.R) defines "Watn Iqaamah" in the following words: "It is a place a Musaafir intends to stay for half a month and which is worthy of residence" [Bahrur Raa'iq Vol. 2 Pg. 136]. According to this definition, the place to be termed "Watn Iqaamah" has to be habitable. Therefore, any uninhabited rural place cannot be termed "Watn Iqaamah", even if a Musaafir decides to camp there for few months. He will therefore **not** be regarded as a Muqeem (resident) at such a place irrespective of the duration of his stay.

Can One's Place of Employment Substitute One's Watn Asli?

If a person relocates with his family and possessions to his place of employment, with the intention that he will live there forever even if his employment terminates, then this place will assume the status of Watn Asli. Therefore, if he has to arrive at this place after a long journey, he will be regarded as a Muqeem even though he may **not** stay for longer than fifteen days. He will therefore have to perform his salaah in full here.

However, if a person relocates with his family but intends to live in his place of employment only for the duration of his employment, then this place will **not** be regarded as his Watn Asli. This is the unanimous ruling of our senior Ulema.[3]

Can One's Business Premises be Regarded as Watn Asli?

If a person has a business in a distant place and takes up permanent residence there along with his family, the place will be regarded as his Watn Asli. Therefore, if he has to arrive at this place after a long journey, he will be regarded as a Muqeem even though he may **not** stay for longer than fifteen days. He will therefore have to perform his salaah in full here and observe his Fardh fasts.

If the person intends to live there permanently but does **not** bring his family along with him, then too it will be regarded as his Watn Asli (Kitaabul Fiqh Ala Mazaaib Arba Vol 1 P 480).

Can One Assume Several Places to be His Watn Asli?

Many books of jurisprudence state that a person's Watn Asli ceases to be his Watn Asli once he assumes another place as being such. The former Watn Asli then assumes the status of any other town to the person. However, it is evident that the rule is **not** that general and that there are a few condition attached to the expiry of a Watn Asli. According to the canonical work "Fathul Qadeer", a place will cease to be regarded as Watn Asli when the following two conditions prevail:

(1) A person completely disassociates himself from his Watn Asli and moves away with his family.
(2) He assumes permanent residence in another town. (Fathul Qadeer Vol 2 P 15)

Only with these two conditions will the first place cease to be regarded as Watn Asli. Therefore, if a person takes up residence in another town

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[3] However, some Ulema have regarded such a place as Watn Asli. For the details of this discussion, refer to Imdaadul Ahkaam (Vol. 1 Pg. 604) and Ahsanul Fataawaa (Vol. 4 Pg. 102).

without disassociating himself from his Watn Asli, in a sense that he still regards it as a home and leaves his family there (as many villagers do when they work in the bigger cities), then both places are regarded as Watn Asli.

It may occur that one leaves one's Watn Asli together with one's family, leaving only one's home and perhaps a few belongings behind. According to some Ulema, such a move will terminate the status of his original Watn Asli, transforming the new place of residence into the new Watn Asli. In the opinion of these Ulema, the place where one's family (wife and children) are based will be regarded as one's Watn Asli – **not** the place where one has a house and possessions. They cite the example of a Musaafir who marries and spends the rest of his life at the residence of his in-laws. Although his belongings may still be at his hometown, his Watn Asli will be the place where he has taken up residence with his wife and children.

According to other Ulema, the determination of Watn Asli hinges on both the location of one's family as well as one's house and possessions. In the above case therefore, one's Watn Asli will **not** cease to be his Watn Asli because both factors (family and house) have **not** moved to the new place of residence. Hadhrat Thanwi (A.R) has reconciled these two opinions by stating that if the person in question does **not** intend to live in the former place as he used to, it will cease to be his Watn Asli. He will therefore perform Qasr salaah there if he does **not** stay longer than fifteen days after a journey. However, if he intends to live in the former place as he used to, he will then regard both places as his Watn Asli. [Imdaadul Fataawaa Vol. 1 Pg. 585]

This interpretation of Hadhrat Thanwi (A.R) corresponds to the incident reported in the book "Kifaayah". It is narrated there that after moving to Baghdad from Kufa, Imaam Abu Yusuf (A.R) still performed his salaah in full in Kufa as long as he had his house there. It seems that he did **not** intend to leave Kufa for good.

The opinion stating that a person's Watn Asli will **not** cease to be when he leaves with only his family appears to be a better opinion upon which Fataawaa should be issued. This should be so because his first Watn Asli was already established and merely a doubt crept in when he moved. It is an accepted principle that more caution should be exercised when Ibaadaat are concerned and this case warrants the same because the question of Qasr salaah arises. It will therefore be

safer to assume that both places are his Watn Asli and that he should perform his salaah in full at both places.

One's House is Sufficient to Preserve the Status of His Watn Asli

A person took up permanent residence at a certain place and then returned to his former residence along with his family and possessions, renting out his house and property. Although Ulema differ on the issue, the most cautious approach is to assume that the area where his house is being rented is also regarded as his Watn Asli. He will be required to perform salaah in full there immediately upon entering the town.

Hadhrat Mufti Kifaayatullah (A.R) stated that one's Watn Asli will cease to be such when one severs all ties with the place, **not** leaving any property nor family behind there. If he passes by on journey, he will have to perform Qasr salaah if he does **not** stay for fifteen days or more. [Kifaayatul Mufti Vol. 3 Pg. 350]

Will a Seasonal Home be Regarded as Watn Asli?

The climate during certain seasons does **not** agree with some people, due to which they have to move to another place during that particular season. When a person spends a season with his family at this seasonal home, it will be regarded as his Watn Asli. He will have to perform his salaah there in full. [Bahrur Raa'iq Vol. 2 Pg. 136]

Where a Person only has a Property or a House

Many people purchase houses and properties in towns solely to earn an income from renting these to other people or to secure a residence if the need arises. These places will **not** be regarded as Watn Asli because the owners never take up permanent residence there. Merely owning property in an area will **not** qualify the area as one's Watn Asli. One will only perform full salaah in such a place if one moves with family and belongings there or stays there for fifteen days or more. (Fathul Qadeer Vol 2 P 16)

When will the Watn Asli Cease to Exist?

The following two factors will cause a place to lose the status of Watn Asli:

1. A person leaves the place taking along his family and all his belongings with him.
2. He assumes permanent residence in another place.

Therefore, if a person took up permanent residence at a place without disassociating himself from his former Watn Asli and still regards it as his Watn Asli, it will remain as such. Similarly, if he dissociates himself from his Watn Asli without assuming permanent residence in another place, his Watn Asli will remain as his Watn Asli. (Bahr Vol 2 P 136)

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Injunctions Pertaining to Qasr Salaah

Is it Waajib to Perform Qasr Salaah?

According to the Hanafi school of jurisprudence and the majority of the Sahaaba (R.A), performing the Qasr salaah is Waajib for the Musaafir. Hadhrat Abdullaah bin Umar (R.A) narrates that as a companion of Rasulullaah (salallaahu-alayhi-wa-sallam) he never saw Rasulullaah (salallaahu-alayhi-wa-sallam) ever perform more than two rakaahs (Fardh) while travelling. He adds that he noticed Hadhrat Abu Bakr (R.A), Hadhrat Umar (R.A) and Hadhrat Uthmaan (R.A) all behaving in the same manner. [Bukhari Vol. 1 Pg. 149]

Allaama Ayni (A.R) has narrated an authentic narration in which Rasulullaah (salallaahu-alayhi-wa-sallam) said, "The salaah on a journey is two rakaahs and whoever discards the Sunnah has disbelieved." [Umdatul Qaari Vol. 3 Pg. 548]

Performing Qasr salaah is Waajib when on a journey and the Musaafir who performs his Fardh salaah in full will be guilty of a sin. [Bahrur Raa'iq Vol. 2 Pg. 130]

Therefore, if a Musaafir intentionally performs four rakaahs Fardh salaah, his salaah will be Makrooh Tahreemi and he will have to repeat the salaah. When a person does **not** perform Qasr salaah, four Waajib acts will be lost:

1. Performing the Qasr, which is itself Waajib.
2. Terminating the salaah with Salaam immediately after the Qa'dah Akheera (Final sitting posture). The first Qa'dah (sitting) in the Musaafir's salaah is supposed to be the Qa'dah Akheera followed by the Salaam. By completing four rakaahs instead of two, this sitting ceases to be the final sitting and the Waajib Salaam thereafter is lost.
3. The third and fourth rakaahs of his salaah become Nafl salaah, which were supposed to be performed with a separate Takbeer Tahreema.
4. He will be guilty of intentionally combining Fardh and Nafl acts.

What Distance Needs to be Travelled for Qasr to be Performed?

Qasr salaah will be binding and the other laws relating to the Musaafir will only apply to the person who intends to travel a distance exceeding 48 miles (88,864 km). Qasr will **not** be permissible if he intends a journey shorter than this. Of course, the laws will begin to apply only after he leaves the boundaries of his town.

Is it Necessary to Actively Intend Travelling the Safar Distance before Performing Qasr?

For a person to perform Qasr salaah, he has to leave his home with the intention of travelling the Safar distance. If he leaves with the intention of merely travelling a few kilometres, whereafter he travels a few more kilometres and then few more, he will **not** be able to perform Qasr salaah even though the sum total of his journey exceeds the Safar distance of 88,864 km. However, if during the journey he intends to travel the Safar distance further, he will perform Qasr salaah ahead. He will also perform Qasr salaah on the way home if the distance back exceeds that of Safar.

The Conditions for One's Intention to be Correct

The intention to travel is pivotal in the application of the laws relating to the Musaafir. However, every person's intention is **not** taken into consideration. The author of "Mirqaat" has enumerated three preconditions for someone to be regarded as a Musaafir. Without any of these three conditions he will **not** be regarded as a Musaafir. These conditions are:

1. He should **not** be subservient to another person.
2. He must be mature.
3. He must intend a journey of 88,864 km or more. (Miqaat P 277)

The Distance of Safar

Hadhrat Mufti Shafee (A.R) writes in “Awzaane Shari'ah” that the correct specification of the Safar distance according to Hadhrat Imaam Abu Haneefa (A.R) is **not** to be determined by specific units like kilometres or miles, but it is determined by the distance that a person walks at a normal pace over a period of three days and three nights or rides a conveyance for the same time period. The distance covered in this duration is referred to as the distance of Safar.

However, in this age of speedy travel, it would be difficult for every person to assess what distance he would travel in three days. Therefore, to make matters easy, Ulema have determined the distance to be 48 Shar’ee miles (54 English miles). This figure is equivalent to 88,864km i.e. approximately 88,864km.

The Nautical Safar Distance

The distance that a sailing ship can travel in three days and three nights under moderate wind conditions will be the Safar distance of a marine traveller. It should be noted that marine vessels travel throughout the day and night unlike land animals and travellers who need to rest. Hadhrat Mufti Rasheed Ahmed Ludhyaanwi (A.R) has confirmed with experienced officers of the Pakistan navy that an average vessel would travel approximately 5,5 nautical miles per hour in moderate conditions. Therefore, the Safar distance by sea will be:

72 hours x 5,5 nautical miles = 396 nautical miles [Ahsanul Fataawaa Vol. 4 Pg. 86]

Will the Safar Distance be Calculated from One’s Home or from the Town’s Borders?

The Safar distance is NOT calculated from the house or place from where the Musaafir starts his journey but from the borders of his town. [Kifaayatul Mufti Vol. 3 Pg. 353]

Will the Safar Distance be Calculated till the Place of Residence at One’s Destination or till the Borders of the Town?

One's journey is complete merely upon reaching the borders of the town one set out for. It will only be complete upon reaching the specific part of the town where one intends to reside. (Kabiri P 395)

A Large Town – the Area of which Exceeds the Distance of Safar

There are cities like Mumbai that are so large that a person will have travelled more than 88,864 km from his house in the city and still **not** emerge from the borders of the city. Such a person will **not** be regarded as a Musaafir until he emerges from the borders of the city. Therefore, neither will he perform Qasr salaah nor will the laws of a Musaafir apply to him until he leaves the city's borders. (Bahr Vol2 P 132)

The Section of the Border from Where the Musaafir Leaves the City will be taken into Consideration

The laws of travelling will only apply to a Musaafir after he leaves the boundaries of his particular town or village. Allaama Shaami (A.R) states that one will take that section of the border into consideration from where the Musaafir leaves the town. One will **not** take other sections of the border into consideration even though they may be as far away as the border one leaves from. Once one leaves from the section of the border he is using, he will begin performing Qasr salaah and regard himself as a Musaafir. (Shaami Vol 1 P 578)

Can Qasr be Performed at a Station, Airport or Port?

If the train station, airport or port is on the border of a town or outside the border but commonly regarded as part of the town, then Qasr salaah cannot be performed there. Qasr will only be permitted after one passes by because the area is regarded as part of the town. By the same token, a resident of the town becomes a Muqeem as soon as he reaches the station, airport or harbour.

However, if the station, etc seems to be attached to the town but is **not** regarded as part of the town nor does it fall within the designated

boundaries of the town, it will **not** be regarded as part of the town. Therefore, Qasr salaah will be performed there when leaving and returning. [Fataawaa Mahmoodiyya Vol. 14 Pg. 228]

The Road Being Used Should be Taken into Consideration

There may be many roads leading to a place, some of which may extend the duration of the journey. The traveller will base his calculations on the distance of the specific road that he uses. Therefore, if he uses the longer road that qualifies him to be a Musaafir, he will perform Qasr salaah. On the other hand, if he uses the shorter road the distance of which falls short of the Safar distance, he will **not** perform Qasr salaah[4]. However, if in the above case he performed Qasr when he was **not** supposed to, his salaah will be on order according to Hadhrat Maulana Zafar Ahmed Thanwi (A.R). Nevertheless, he will have to perform all his subsequent salaah in full. [Imdaadul Fataawaa Vol. 1 Pg. 626]

Deliberately Taking a Longer Route to Qualify as a Musaafir

It may occur that there are two roads leading to a place, the longer one qualifying a person as a Musaafir while the shorter one does **not**. It is permissible for a person to deliberately take the longer road so that the concessions of a Musaafir may apply to him.

Will Qasr be Performed if the Musaafir Returns by a Shorter Route

It may occur that a person became a Musaafir by taking a long route to his destination and then wishes to return via a shorter route that is less than the Safar distance. If he had stayed at his destination for fifteen or more days and was performing salaah in full there, he will have to perform salaah in full during the return journey as well. However, if he never stayed this long and continued performing Qasr as a Musaafir throughout the journey, he will remain a Musaafir and perform Qasr on the return journey as well. [Bahrur Raa'iq Vol. 2 Pg. 129]

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[4] Bahrur Raa'iq Vol. 2 Pg. 130.

Will Qasr be Performed on Journey if from Home One Intended to Stay for an Extended Period at the Place of Destination?

A person left with the intention of staying for more than fourteen days at a distant place. He will therefore have to perform Qasr salaah for the duration of the journey only because the distance exceeds 88,864 km. However, as soon as he enters the borders of the town he is destined for he will stop performing Qasr and complete his salaah. [Fataawaa Daarul Uloom Vol. 4 Pg. 473]

Till When will Qasr be Performed on the Return Journey?

A Musaafir will continue performing Qasr salaah as long as he is outside the borders of his hometown. He will begin performing his salaah in full as soon as he enters the borders of his town even though he may still be on the fringe of the built-up area where open fields and cemeteries lay. This area is also regarded as part of the city and he will be regarded as a Muqeem here as well. [Umdatul Fiqh Pg. 413]

When will a Person be Regarded as a Musaafir in the Light of the Shari'ah?

A person will regarded as a Musaafir when the following three factors are found in him:

1. He has the intention of travelling a distance equal to or more than that of the Safar distance.
2. From the beginning of his journey has this intention of travelling at least 88,864 km.
3. He leaves the boundaries of his town with this intention.

Therefore the laws pertaining to a Musaafir will **not** apply to a person when:

- He intends to travel the distance of Safar but has **not** yet left.
- He has already left the borders of his town but does **not** have the intention to travel a distance equal to or more than that of Safar.

- He has left home with the intention of travelling the distance of Safar but has **not** yet left the borders of his town.

If a person has no home nor any tent in a town, he will be regarded as a Musaafir when he passes by the area that is closest to where he lives.

When will the Musaafir Commence Performing Qasr?

As soon as a person passes the borders of his town or village he can commence performing Qasr salaah even though the buildings of the town are clearly visible. It is necessary that he first passes by all the settlements and suburbs attached to the town as well as that part of the town that was previously part of the town but has since become unattached leaving a vacant gap between. However, if this part of the town has become totally deserted, the person will be regarded as a Musaafir before passing by it. While walking within the boundaries of the town, the laws pertaining to the Musaafir will **not** apply. (Badai Vol 1 P 94)

When will Qasr be Performed if Two Cities are Joined?

If two settlements seem to be joined but have a field or a large tract of land separating them, they will be regarded as two separate towns. Therefore, as soon as a Musaafir leaves his settlement, he may perform Qasr salaah. However, if there is no field or tract of land separating the two areas they will be regarded as one. Similarly, they will be regarded as one if people regard them as one even though there may be a large tract of land separating the two. Therefore, even though the many suburbs of Mumbai may have different names and may be separated by vast spaces, they will all be regarded as part of Mumbai because they all fall under the jurisdiction of Mumbai. (Fatawa Silaajria P11/ Ahsaanul Fatawa Vol 4 P 73)

From Where will Qasr be Made if the Area has Expanded?

Certain cities have grown to such an extent that outlying villages and towns that were once separate have fallen within the precincts of the

city. Many cities have also expanded in a manner that their borders with neighbouring cities have become unrecognisable, as has occurred in the case of Delhi and Ghaazi Aabaad which now seem to be one city.

If a city has engulfed an area and the people of the area regard it to be a part of the expanded city, including it within the city's boundaries, then the area will be regarded as part of the city. In this case, the laws pertaining to the Musaafir will apply only once the Musaafir passes by this area as well.

However, if the two cities or the enveloped area are still regarded by the people as two separate places, they will remain as two separate areas even though they may seem to be one. In this case, the concessions allowed to the Musaafir will apply to him as soon as he leaves the boundaries of his particular town.

The Period for Performing Qasr

Qasr salaah will only be performed for a period of less than fifteen days. When a Musaafir decides to stay in a place for more than fourteen days, it will **not** be permissible for him to perform Qasr salaah. Hadhrat Abdullaah bin Umar (R.A) stated, "When you are a Musaafir and decide to stay in a place for fifteen days then complete your salaah. However, if you do **not** know (whether you are staying for fifteen days then perform Qasr." Although Allaama Nawawi (A.R) regards this narration as weak, Haafidh Ibn Hajar Asqalaani (A.R) rejects this opinion and has stated that the chain of narrators is authentic. (Fat'hul Baari Vol 2 Pg 654)

Hadhrat Ibn Musayyib (A.R) has also mentioned that salaah should be performed in full once a person intends to stay at a place for fifteen days or more. [Ibn Razzaaq Vol. 2 Pg. 53]

Injunctions Pertaining to Iqaamah (Taking Up Residence)

When will a Musaafir become a Muqeem (Resident)?

A Musaafir will become a Muqeem when:

- He enters the boundaries of his hometown.
- He passes within the borders of his hometown either intentionally or unintentionally.
- He makes the intention to stay at a place for fifteen days or more.
- He originally intended to travel the Safar distance or more but decided to returned home before completing 88,864 km. [Aaalamgeeri Vol. 1 Pg. 139]

The Conditions for Being a Muqeem

When a Musaafir intends to take up residence at any place, there are six preconditions for regarding him to be a Muqeem:

1. His intention is to stay for more than fourteen days.
2. He physically stops travelling. If he only intends to stay somewhere but does **not** halt his travels, he will **not** be a Muqeem.
3. He should **not** intend travelling the distance of Safar at any period before the expiry of fifteen days.
4. He should intend to spend all of the fifteen nights at a single place. He will **not** be regarded as a Musaafir if he decides to stay for ten nights at one place and the remaining five nights at another nearby town.
5. The Musaafir should **not** be subservient to anyone else but should be able to do as he pleases. His intention to stay anywhere will be invalid if he is subservient to another person. However, his intention will be valid if the person whom the Musaafir is subservient to allows him freedom to do as he pleases.
6. The place he intends to stay should be habitable. He will therefore **not** be a Muqeem if he intends to stay in a jungle, on an ocean, in an uninhabited island, etc. However, if he left on his journey with

the intention of taking up residence at such a place, he will be regarded as a Muqeem upon reaching. (Bahr Vol 2 P 131)

When will the Watn Iqaamah Terminate?

A Watn Iqaamah will cease to remain a Watn Iqaamah when any one of the following three conditions apply:

1. The Watn Iqaamah is made into a Watn Asli.
2. Another place is made one’s Watn Iqaamah.
3. One leaves the Watn Iqaamah for a place that is 88,864 km away.

Further elucidating the third point, the author of Fat'hul Qadeer states that the Watn Iqaamah will only expire if the Musaafir does **not** pass by that place before completing 88,864 km. If he left from the Watn Iqaamah and then headed for a place within a range of 88,864 km but which entails passing by the Watn Iqaamah, the Watn Iqaamah will **not** terminate when he returns there. However, if he will only pass by the Watn Iqaamah after travelling 88,864 km, the Watn Iqaamah will cease to be his Watn Iqaamah. If he returns there afterwards, he will be a Musaafir unless he intends to stay for more than fourteen days. [Fat'hul Qadeer Vol. 2 Pg. 17]

The Musaafir becomes a Muqeem as soon as he Enters the Borders of the Watn Iqaamah

When a Musaafir (upon leaving home) intends to stay at a place for more than fourteen days, he will become a Muqeem of the area as soon he enters the borders of the area. It is **not** necessary for him to reach his place of residence before regarding himself as a Muqeem. Therefore, he will perform salaah in full as soon as he enters the borders of the area which will now be his Watn Iqaamah. (Shaami Vol 1 P583)

It is Necessary that a Person leaves the Borders of his Watn Iqaamah before Regarding himself as a Musaafir

When a person intends to undertake a journey from his Watn Iqaamah, he will only be regarded as a Musaafir after passing the borders of the Watn Iqaamah. Therefore, he will have to perform his salaah in full as

long as he is within the borders of the Watn Iqaamah. (Badai Vol 1 P 98)

Taking up Residence Suddenly

If a Musaafir had to suddenly take up residence at a certain place for an unforeseen reason like the enforcement of a curfew or to wait for others, then he will remain a Musaafir if he predicts that he will have to stay for a period of less than fifteen days. However, if there is no hope of leaving before fifteen days, he will become a Muqeem at the place he was forced to stop. (Hedaya Vol 1 P 132)

If One's Intention to Take up Residence Changed, when should One Resume Qasr

A Musaafir made the intention to stay at a place for more than fourteen days but then decided to return or to proceed further on. By merely formulating this intention he will **not** cease to be a Muqeem. He will only be regarded as a Musaafir after he leaves the boundaries of the Watn Iqaamah he is in. (Mabsoot Sarski – Vol 1 P 270)

Thinking that he will Leave Soon, a Person Ends up Spending More than Fifteen Days at a Place as a Musaafir

A Musaafir stayed at a place thinking that he will **not** be there for more than fourteen days and would proceed soon. However, he continued delaying his departure for some reason till fifteen days had already passed. He will thus remain a Musaafir all the while and may even spend an indefinite period performing Qasr salaah.

Will a Person become a Muqeem if he Intends to take up Residence at Two Places for Fifteen Days?

A person cannot intend to stay at two places at the same time when the two places are separate, even though he decides to stay for a period of more than fifteen days. For a person to be a Muqeem at any

place it is necessary that he intend to stay at only one place. (Mirqaat P 278)

However, if the two places are deemed to be one or one is part of the other (like the various suburbs of Mumbai for example) then a person will become a Muqeem if he decides to stay ten days in one area and another five days in the other.

If a person decides to spend the days in one town and the nights in a separate town over a period of more than fourteen days, he will be regarded as a Muqeem. If he first reaches the town where is to spend the days he will **not** be regarded as a Muqeem until he reaches the place where he is to spend the nights. (Shaami Vol 1 P 582)

Will the Watn Iqaamah be Nullified by a Journey?

There are several types of journeys that can be undertaken from the Watn Iqaamah:

1. A journey of less than 88,864 km is undertaken from the Watn Iqaamah, whereafter the person returns to the Watn Iqaamah. Such a journey will **not** nullify the Watn Iqaamah.
2. When a journey of 88,864 km or more is undertaken from the Watn Iqaamah, the Watn Iqaamah will be nullified.
3. The person had no intention to undertake a journey more than 88,864 km. However, when he reached a certain place he decided to travel the distance of Safar. He will henceforth be regarded as a Musaafir as long as he does **not** pass by his Watn Iqaamah again before travelling 88,864 km. If he passes by after 88,864 km, he will perform Qasr there because the Watn Iqaamah will have been nullified by then. On the other hand, if he passes the Watn Iqaamah before travelling 88,864 km the Watn Iqaamah will **not** be nullified and he will have to perform his salaah in full there. (Bahr Vol 2 P 132)

If a Person Travels from his Watn Iqaamah, will he Calculate his Distance from There or from the Place he Originally left from?

The Watn Iqaamah will be nullified by travelling the distance of Safar. This distance of Safar will be calculated from the Watn Iqaamah from where he is travelling. No regard will be given to the Watn Asli nor to any previous Watn Iqaamah. However, if a Musaafir has to pass by his Watn Asli when travelling from his Watn Iqaamah, he will remain a Musaafir if the distance between his Watn Asli and Watn Iqaamah equals or exceeds the distance of Safar. However, if the distance is less than that of Safar, he will cease to be a Musaafir. If he passes through his Watn Asli, his distance of Safar will have to be calculated anew from the Watn Asli. (Aap ke Masaa'il awr un kaa Hal Vol 2 Pg 383)

Will a Watn Iqaamah be Nullified when the Distance to a Second Watn Iqaamah is less than the Distance of Safar?

A Musaafir cannot have several places as his Watn Iqaamah. Therefore, a place will lose it's status as Watn Iqaamah as soon as another place becomes one's Watn Iqaamah i.e. a previous Watn Iqaamah will cease to be a Watn Iqaamah as soon as a Musaafir decides to stay at another place for more than fourteen days irrespective of whether the two places are 88,864 km apart or **not**. (Shaami Vol 1 P 586)

What is the Law Regarding a Journey that is Undertaken via one's Watn Iqaamah?

A traveller undertakes a journey to a certain place (A). Thereafter he leaves for another place (B) via his Watn Iqaamah, one of two situations may apply:-

(1) If the distance from the Watn Iqaamah to the second place (A) is less than the distance of Safar, the Watn Iqaamah will remain as is and the traveller will perform his salaah in full once he reaches the Watn Iqaamah. This will apply irrespective of whether the distance from the first place (A) to place (B) exceeds the distance of Safar or **not**. Since the Watn Iqaamah fell between the two places, the journey will **not** be regarded as a complete Safar distance. However, if the distance from the Watn Iqaamah to the final destination (B) exceeds that of Safar, the traveller will be regarded as a Musaafir once he leaves the Watn Iqaamah and heads for the final destination (B).

(2) If the traveller travels more than the distance of Safar from the Watn Iqaamah to place (A), his Watn Iqaamah will cease to be his Watn Iqaamah once he passes through it. This will apply irrespective of whether he intended to travel more than the distance of Safar or **not**. Therefore, he will perform Qasr salaah when passing through what was once his Watn Iqaamah. (Shaami Vol 1 P 586)

Will a Musaafir become a Muqeem once his Train or Bus Passes by his Hometown?

While travelling in a district close to his hometown, a Musaafir's bus or train passes through his hometown. He will now be regarded as a Muqeem. Such a situation may adopt the following two scenarios:

A) The place from where he commenced his journey equals or exceeds the distance of Safar to his hometown.
B) The place from where he commenced his journey is less than the distance of Safar from his hometown.

In the first case (A), he will remain a Musaafir throughout the journey towards his hometown and will continue to perform Qasr salaah. In the second case (B) he will be regarded as a Muqeem throughout the journey towards his hometown and will perform his salaah in full.

After passing through his hometown, he will continue being a Musaafir if the distance to his final destination exceeds the distance of Safar. However, if the distance to his final destination is less than that of Safar, he will remain a Muqeem and will be unable to perform Qasr salaah. [Aalamgeeri Vol. 1 Pg. 142]

Entering One's Hometown with the Sole Intent of Becoming a Muqeem

A person is an Imaam of a Masjid close to his hometown (i.e. less than 88,864 km from it). After returning from a journey somewhere he could **not** formulate the intention of staying for fifteen days or more at the locality where he is Imaam. It would now become difficult for him to lead the salaah of four Rakaahs because he is still regarded as a Musaafir. To solve this difficulty, the Imaam is advised to return to the place where he is Imaam using a route whereby he would pass through

his hometown. Upon doing so he would immediately become a Muqeem and be able to perform any four Rakaah salaah in full. [Ibid]

Can the Intention to Stay at a Place be Made While Performing Salaah?

While performing salaah if a Musaafir decides to stay for a minimum of fifteen days at a particular place, this intention is valid in terms of the Shari'ah. From that moment onwards the injunctions applicable to a Muqeem will apply to him and those applicable to a Musaafir will cease to apply. This will apply irrespective of whether the Musaafir is performing salaah by himself or in congregation, whether he joined the congregation on time (Mudrik) or whether he joined later (Masbooq), or whether the intention was made at the beginning of the salaah or at the end. Since this intention can be made at various stages of one’s salaah, the following explanation is necessary to specify the occasions when such an intention will **not** be valid:

1. When the Musaafir decides to stay before making the Salaam after two Rakaahs Fardh of Zuhr or Asr, it will become necessary for him to now perform four Rakaahs instead.

2. If a Musaafir erroneously stood up to perform the third Rakaah of a four Rakaah Fardh salaah and then decided to stay as a Muqeem before performing the Ruku of the third Rakaah, his salaah will become a valid four Rakaah Fardh salaah which he will have to complete. However, if the intention was made after the Ruku, it will be necessary for him to repeat the Qiyaam (standing posture) and the Ruku because both of these have since become part of a Fardh salaah whereas they were previously performed as part of a Nafl salaah (since the third Rakaah of a Musaafir’s salaah is regarded as Nafl).

3. If this intention is made after the Sajdah of the third Rakaah, the intention will **not** change the status of his salaah (the additional Rakaah will remain Nafl). However, he will have to add a fourth Rakaah to the salaah to complete the two Nafl.

4. If the Musaafir mistakenly stood up for the third Rakaah without sitting for the Qa’dah and then decided to stay before performing the Sajdah of the third Rakaah, his intention will be valid and the two Rakaahs of Nafl will become Fardh.

5. Once the Sajdah of the third Rakaah is performed the entire salaah cannot assume the status of Fardh (only the first two Rakaahs will be regarded as Fardh). It will therefore be necessary for the Musaafir to add a fourth Rakaah to his salaah so that, the one Rakaah of Nafl may be coupled. Sajdah Sahw is also necessary. [Shaami Vol. 1 Pg. 584]

What should the Followers do if the Imaam Decides to be a Muqeem During the Salaah?

The Imaam is a Musaafir while the followers are all Muqeem. If the Imaam mistakenly stood up for the third Rakaah and then decided to become a Muqeem, his Fardh salaah of two Rakaahs will become a Fardh salaah of four. It will now become incumbent for the followers to follow the Imaam in the third and fourth Rakaahs as well. If the followers did **not** follow the Imaam in third Rakaah but continued performing it on their own, their salaah will be nullified as soon as they perform the Sajdah of the third Rakaah. However, if they started following the Imaam again before the Sajdah of the third Rakaah, their salaah will be in order.

If the Imaam only made the intention to be a Muqeem after the followers had completed the Sajdah of the third Rakaah, it will **not** be permissible for them to follow him. They will now have to complete the salaah by themselves. In this case, their salaah will be nullified if they followed the Imaam. [Bahrur Raa'iq Vol. 2 Pg. 135]

When will the Imaam's Intention for Iqaamah be Valid During the Salaah?

The Imaam's intention to be a Muqeem is valid if he truly intends to stay where he is for fifteen days or more. However, if he merely formulates the intention so that he can lead the followers in all four Rakaahs, his intention will **not** be valid. He will remain a Musaafir and will have to perform Qasr salaah. If the followers followed him in these four Rakaahs, their salaah will be nullified. However, their salaah will be in order if they performed it by themselves in a manner that they only appeared to be following him. [Bazzaziya Vol. 1 Pg. 169 and Shaami Vol. 1 Pg. 584]

When the Intention of Iqaamah is made During Salaah but after the Time of the Salaah

A Musaafir performed his Asr salaah during the very final hours of Asr time i.e. just before sunset and decided to be a Muqeem during the very same salaah. If this intention was made before sunset, it will be valid and he will have to perform four Rakaahs. However, if the intention was made during the salaah but after the sun had already set, the intention will **not** be valid and he will only perform two Rakaahs salaah. (Shaami Vol 1 P 581)

The Masbooq Musaafir who Decides to be a Muqeem During his Missed Rakaahs

A Musaafir joined the salaah of a Musaafir Imaam after one or more Rakaahs were over (this follower will therefore be called a Masbooq). As the Masbooq is completing his missed Rakaahs on his own, he decides to stay at the place for fifteen or more days, thereby becoming a Muqeem. This intention is valid and he will have to perform four Rakaahs salaah. [Mabsoot Vol. 1 Pg. 298]

Will a Menstruating Woman Perform Qasr Salaah if she stops Menstruating During a Journey?

If, on a journey a woman stops menstruating at a place that is less than 88,864 km away from her final destination, she will **not** be regarded as a Musaafir at the destination. For example, if she left home for Hajj while menstruating and stopped menstruating less than 88,864 km away from Makkah, she will **not** be a Musaafir in Makkah and will have to perform all her salaah in full during her stay in Makkah.

This will only apply if she was menstruating when she left home. If she left home in a state that she was **not** menstruating and only began menstruating along the way, she will continue performing Qasr after reaching her destination because she had already become a Musaafir before menstruation. If after menstruation she still has to travel the distance of Safar, she will be regarded as a Musaafir even in the first case mentioned above. (Shaami Vol 1 P589)

Will a Child Perform Qasr Salaah if he Matures While on a Journey?

If a child comes of age while on a journey, the remaining distance of the journey will have to be calculated. If the remaining distance equals or exceeds that of Safar, the matured child will perform Qasr salaah for the rest of the journey. However, if the distance to the destination is less than the distance of Safar, salaah will have to be performed in full. [Bahrur Raa'iq Vol. 2 Pg. 130]

When a Kaafir or a Murtad[5] Accepts Islaam While on a Journey

If a Kaafir or a Murtad embarks on a journey exceeding 88,864 km and is blessed with Allaah's grace to accept Islaam, the laws pertaining to a Musaafir will apply to him irrespective of the remaining distance to the destination. (Shaami Vol 1 P 586)

Will Qasr be Performed when One Spends a Night at a Place close to his Watn Iqaamah?

A person may decide to spend the nights at a particular place for fifteen days and tour the area's vicinity. However, if he has to spend a night in a nearby location, he will **not** perform Qasr salaah there. Salaah will have to be performed in full. (Shaami Vol 1 P 586)

Staying at a Place Close to One's Home on Return from a Journey

Instead of entering his hometown, a Musaafir stayed a few days in a place close by, he will continue to perform Qasr salaah there. He will only become a Muqeem once he enters his hometown. (Bahr Vol 1 P 128)

Deciding to Return Home while on Journey

[5] A Muslim who forsakes Islaam.

If a Musaafir decides to return home while on journey, the following situations may arise:

1. If the decision to return was taken before travelling the distance of Safar, the Musaafir will instantly become a Muqeem. The same will apply if he decides to stay at a place for fifteen or more days. If any salaah were performed as Qasr after deciding to return but before actually setting out on the return journey, it will **not** be necessary to repeat these salaah. If any salaah was missed before deciding to return home, the Qadha should be performed as Qasr. [Umdatul Fiqh Pg. 415]

2. If the Musaafir decides to return after travelling the distance of Safar, he will remain a Musaafir until he reaches home or decides to stay elsewhere for fifteen or more days. (Alaamgiri – Vol 1 P 139)

Embarking on Another Journey when returning Home

If a Musaafir had to return home for some reason but then undertakes another journey before entering the boundaries of his hometown, he will become a Musaafir as soon as he leaves on his journey.

Deciding to Embark on a Journey while Travelling Somewhere

Upon arriving at a place close to one's home, one decides to embark on a journey exceeding the distance of Safar, he will be a Musaafir only once he sets out for the journey. The injunctions applicable to a Musaafir will **not** apply to him before this. (Badai – Vol 1 P 105)

From when is Qasr Performed when one Stays at Various places while on Journey?

A person decided to travel the complete distance of Safar but stays over at various places before travelling the distance of Safar. Since on a journey the injunctions pertaining to a Musaafir will only terminate once the Musaafir stays at a place for fifteen or more days, the person in the above case will continue being a Musaafir at every place where he stops even though he may continue in this manner for a long time. He will therefore perform Qasr salaah everywhere he stays for a period

less than fifteen days. He will only perform his salaah in full once he decides to stay at a place for more than fourteen days. (Hedaya Vol 1 P 148)

Will Qasr be Performed if One Decides to spend the nights at a Certain Place and Spend the Days Touring?

A person may make the intention to spend fifteen or more days at a certain place thinking that he will spend the nights there and spend the days touring the region. In this case he will be a Muqeem there as long as he does **not** travel more than 88,864 km away from the place. If he intends to travel more than this distance, his intention of Iqaamah will **not** be valid i.e. he will **not** be regarded as a Muqeem.

If he intended to stay as a Muqeem (i.e. fifteen or more days) but then had to suddenly undertake a journey in excess of 88,864 km, he will cease to be a Muqeem. However, if he returns with the intention to stay more than fourteen days and **not** to travel more than the distance of Safar, he can once more be a Muqeem at the particular place. (Bahr Vol 1 P 132)

Will One perform Qasr when One's Goods are at a Certain Place while he Travels about to Various Towns?

When a trader leaves his hometown for another town that lies more than 88,864 km away and decides to stay there for longer than fourteen days with the intention to sell his wares in the neighbouring towns, he will be a Muqeem in the town where he is based on condition that he does **not** intend to travel more than 88,864 km away from there. He will therefore be unable to perform Qasr salaah there. (Dure Muktaar Vol 1 p 582)

If this trader travels out of this town to a distance exceeding that of Safar, he will be a Musaafir in the town when he returns. If at the time of taking up residence in the town he has the intention of travelling distances in excess of 88,864 km, he will **not** be regarded as a Muqeem, but will remain a Musaafir. Similarly, he will also remain a Musaafir if he intends to spend his nights at different towns.

Till when will a Roving Musaafir Perform Qasr Salaah?

Certain traders travel from town to town without staying at any town for more than fourteen days. As long as this trader remains away from his hometown he will remain a Musaafir and continue performing Qasr salaah, unless he takes up residence at a town for fifteen or more days (in which event he will be a Muqeem there). [Hidaayah Vol. 1 Pg. 132]

Till When will a Haaji Perform Qasr Salaah in Makkah?

After travelling the distance of Safar and reaching Makkah, a Haaji may take up residence in Makkah in one of two ways:

1. If the Haaji reaches Makkah at a time when there are less than fifteen days before the eighth of Dhil Hijjah (e.g. he arrives in the first ten days of Dhil Hijjah), he will remain a Musaafir until he returns from Mina. He will only become a Muqeem if after returning from Mina he decides to stay in Makkah for fifteen or more days. Therefore if on arrival in Makkah before the days of Hajj he makes the intention to be a Muqeem in Makkah, his intention will **not** be valid.

2. If the Haaji arrives in Makkah at a time when there are at least fifteen days before the 8^{th} of Dhil Hijjah and he intends to stay in Makkah for that entire duration, he will become a Muqeem. [Bahrur Raa'iq Vol. 2 Pg. 132]

An Interesting Episode

Isaa bin Abaan (A.R) was a famous Muhaddith who used to be engrossed in teaching Ahadeeth and did **not** pay much attention to Fiqh and the derivation of laws from the primary sources. Upon arriving in Makkah for Hajj within the first ten days of Dhil Hijjah, he decided to stay for a month and began performing his salaah in full instead of Qasr. Some students of Hadhrat Imaam Abu Haneefa (A.R) brought it to his attention that he ought to be performing Qasr salaah because he still had to proceed to Mina and Arafaat. Consequently, he started performing Qasr salaah.

When he returned from Mina he continued performing Qasr salaah whereas he was supposed to perform his salaah in full because he intended to stay in Makkah for a period longer than fifteen days. When he was made aware of this error, he was greatly taken aback and mentioned that he twice erred with regard to the same injunction. Thereafter, he began to attend the lectures of Hadhrat Imaam Muhammad (A.R)[6] until he became known as a Faqeeh (one with in-depth knowledge of the Shari'ah). Imaam Kaasaani (A.R) has narrated this incident and stated that he quotes it as a lesson for students of Deen. [Bahrur Raa'iq Vol. 2 Pg. 132]

Will Qasr Salaah be Performed in Mina or not?

If a person arrives in Makkah at least fifteen days before the 8th of Dhil Hijjah, he will be regarded as a Muqeem of Makkah. Such a person will therefore perform all his salaah in full while at Mina and Arafaat. However, if the Musaafir arrives in Makkah less than fifteen days before the 8th, he will remain a Musaafir during the days of Hajj. It will therefore be Waajib for him to perform Qasr salaah in Mina and Arafaat. [Ibid]

NOTE: The Imaam at Mina, Arafaat and Muzdalifa is **not** a Musaafir in terms of the Hanafi Madh'hab and will perform Qasr salaah in accordance with his own Madh'hab. It is therefore incorrect for a Hanafi person to follow such an Imaam. It is understood that the Imaam for the last few years is from Riyaadh so as to qualify as a Musaafir in the Hanafi Madh'hab as well. If this is the case, it will be correct for a Hanafi to follow him in salaah. (Bahr Vol 2 P 132)

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[6] A famous student of Hadhrat Imaam Abu Haneefa (A.R).

Injunctions Pertaining to The Leader and the followers

When will a Person Perform Qasr Salaah if he is Subservient to Another?

There are many people who are subservient to others on a journey. Examples of such people are wives, employees, aides and bodyguards of officials, etc. When such people make the intention to be Musaafir or Muqeem at any place their intention is **not** valid. The intention of their superior is taken into account. If the superior (husband, employer, official) intends to undertake a journey as a Musaafir, those subservient to him will also be regarded as Musaafir as they travel with him. Similarly, when the superior decides to be a Muqeem, the rest will have to follow suit. (Mirqaat P 377)

Who is Subservient to the Musaafir?

One will be regarded as the follower of another when it is compulsory for one to obey the other. Examples of these are:

- A wife
- A prisoner
- A soldier – he is subject to the orders of his commander
- The debtor is subservient to he creditor when he is unable to settle the debt
- An employee
- The student whose expenses are borne by his teacher, is subservient to his teacher
- A child travelling with his parent/s.

Whatever intention the leader of the above people make will apply to them as well i.e. they will become either Musaafir or Muqeem according to the intention that their leader makes. [Qaadhi Khan Vol. 1 Pg. 166 and Shaami Vol. 1 Pg. 587]

What if the Followers are Unaware of the Leader’s Intention?

A follower was on journey with his leader. The leader decided to stay at a place as a Muqeem and performed salaah in full. In the meantime the follower had no way of knowing what the intention of his leader was and continued to perform Qasr salaah. It was only afterwards that he learnt about his leader’s intentions. In accordance with the accepted ruling in this regard, the Qasr salaah of the follower will be correct and will **not** have to be repeated. The same applies to the reverse situation where the follower performed salaah in full while the leader performed Qasr as a Musaafir. However, caution will dictate that it is best for the follower to repeat his salaah. [Shaami Vol. 1 Pg. 588]

The Employee is Unaware of When and Where he is Travelling and Until When will he stay

Many employees of companies and police have no idea about their itineraries. They travel with their employers or commanders without the routes and dates being specified to them. Should they perform their salaah in full or as Qasr at their Watn Iqaamah? It should be borne in mind that the Shari'ah does **not** entertain uncertainty. The injunctions of the Shari'ah are based on facts that are certain or at least close to certain. Therefore, if an employee is certain or reasonably sure that he will be required to travel every month before settling down for fifteen days, he will be regarded as a Musaafir at his Watn Iqaamah where he will only perform Qasr salaah. However, if he is **not** sure of this and merely assumes that he will be dispatched on a journey before staying fifteen days, this speculation should be ignored and he will regard himself as a Muqeem, performing all his salaah in full.

Upon reaching his destination, the employee should be able to assess whether he will be required to stay there for longer than fourteen days or **not**. If he feels that he will stay fifteen or more days there, he will perform salaah in full otherwise **not**. (Shaami Vol 1 P 582)

What will a Task Force Do?

Special police and military task forces seldom know for what period of time they are required to be on duty when they are summoned in the

event of an emergency. However, their commander will be able to assess the time period in which the situation would be brought under control. In this case, those under his command will act according to his intention. If he decides that they will stay fifteen or more days, all those under his command will perform their salaah in full. However, if he decides that they will leave as soon as stability is restored and that they will **not** stay longer than fourteen days, all those under his command will perform Qasr salaah. (Alaamgiri Vol 1 P 141)

What if the Leader is himself Uncertain about the Duration of their Stay?

If the leader or commander cannot determine the duration of their stay at a particular place, caution would demand that they all perform their salaah in full. This is because if Qasr is required from them, the two Rakaahs of Qasr would be fulfilled in the four Rakaahs if the Qa'dah Ula[7] is **not** missed. On the other hand, if four Rakaahs are Waajib on them, this would also be fulfilled. [Fataawaa Daarul Uloom Vol. 4 Pg. 461 Shaami Vol 1 P 579]

Sales Representatives and Others like them

Those travellers who base themselves at a particular town and then complete circuits of neighbouring areas fall into the following two categories:

1. If the collective distance travelled from one's hometown to the places in a particular are is less than 88,864 km, one will **not** become a Musaafir. Therefore, one will perform all one's salaah in full at each place including the place where one is based.

2. If the collective distance equals or exceeds 88,864 km and one had intended travelling to these places from the beginning, one will perform Qasr salaah throughout the duration of one's travels to the various towns as well as at the place where one is based. However, this will only apply if one intends to leave the place sooner than fifteen days. If one is perpetually travels in this manner, one will remain a perpetual Musaafir and only perform salaah in full once one reaches one's hometown. [Hidaayah Vol. 1 Pg. 132]

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[7] The first sitting posture in salaah occurring between the second and third Rakaahs of a three or four Rakaah salaah.

Travelling in Search of Someone

When one travels in search of an escaped convict or a runaway, one leaves with the intention of finding the person wherever he may be and bringing him back. However, one never knows how far one will have to travel. While it is possible that one will only have to travel to nearby places, it is also possible that one may have to travel very far. Qasr will **not** be permissible as long as this uncertainly exists. However, if during the search one decides that one has to undertake a journey longer than 88,864 km, one will become a Musaafir. Similarly, if the return journey home happens to exceed 88,864 km, one will be a Musaafir and perform Qasr salaah en route home. [Bahrur Raa'iq Vol. 2 Pg. 128]

The Person in whose name a Warrant of Arrest has been Issued

A person who is on the run trying to escape being arrested cannot become a Muqeem at any place even though he intends to stay there for many months. He will remain a Musaafir because he is never certain whether he would be able to stay anywhere or whether he will have to flee again in the near future. He is constantly in fear of being arrested and will have to leave a place as soon as the police trace him. His intention to be a Muqeem will only be valid once he settles in a country that is **not** bound by any treaty to hand him over to those pursuing him. If the country is required to hand him over, he will remain a Musaafir there as well. (Bahr Vol 1 P 133)

An Abducted Person

If a person is abducted, the laws of a Musaafir will apply as detailed below:

1. If the abducted person knows till where he is being taken, he will perform Qasr salaah if the distance exceeds that of Safar. If the distance is less, salaah will be performed in full.

2. If the abducted person is unaware of the distance he is being transported he should ask those abducting him. If they refuse to tell him, he should try to determine whether they are Musaafir or Muqeem and act accordingly i.e. he will be Musaafir if they are Musaafir and Muqeem if they are Muqeem. If he cannot even

determine this, he should perform salaah in full till the distance of Safar has been travelled. Thereafter, he should perform Qasr. It will **not** be necessary to repeat the salaah that he performed in full. If he cannot do this even, then he should use his discretion to assess the situation as best as possible. [Shaami Vol. 1 Pg. 577]

When will a Prisoner Perform Qasr Salaah?

A prisoner is subservient to the commands of his captors and will be a Musaafir if they are Musaafir and Muqeem if they are Muqeem. If the prisoner knows that his captors are taking him a distance exceeding the distance of Safar, he will become a Musaafir and perform Qasr salaah. If he is unaware of the distance, he should enquire the distance from his captors. If they refuse to inform him, he should make an attempt to assess whether they are Musaafir or Muqeem and act accordingly.

If a Musaafir erroneously performed salaah in full when he was actually supposed to perform Qasr, his salaah will be valid on condition that he performed the Qa'dah Ula together with Sajdah Sahw. If he failed to perform either of these, the salaah will have to be repeated. [Fataawaa Raheemiyya Vol. 5 Pg. 8 Shaami Vol 1 P 577]

Till When will an Abducted Person or a Prisoner Perform Qasr Salaah?

If a prisoner is certain or reasonably sure that he will be released within fifteen days, he will continue to perform Qasr salaah. The same applies when he anticipates that he will be released at any time or transferred even though he may be imprisoned for months thereafter. However, if he is certain or at least reasonably sure that he will remain in detention for fifteen or more days and will **not** be transferred within this period, he will consider himself a Muqeem and perform salaah in full. The prisoner will become aware of such information from the prison authorities or the legal authorities in charge of his case. (Mirqaat P 146)

Although an abducted person may intend to be a Muqeem in accordance to the intention of his abductors, his intention will be invalid because there always exists the possibility that he will be rescued, will escape or be moved to another place. Such a person will therefore perform Qasr salaah indefinitely.

A Mature Son is Subservient to his Father

If a mature son is always obedient to his father and serves him dutifully, such a son will be subservient to the intention of his father while on journey. His own intentions to be either Musaafir or Muqeem will **not** be valid. [Shaami Vol. 1 Pg. 588]

Will a Person's Intention be Subservient to that of his Teacher or Spiritual Mentor?

One's intention to be a Musaafir or a Muqeem will only be subservient to the intention of one's Ustaadh (teacher) or Peer (spiritual mentor) when the Ustaadh or Peer is paying one's expenses. [Ibid]

When will the Intention of an Employee be Subservient to that of his Employer?

If an employee receives a monthly or an annual salary from his employer, his intention to be a Musaafir or a Muqeem will be subject to the intention of his employer when the two are travelling together. However, if the employee receives a daily wage or serves free of charge, his intention will **not** be subservient to that of his employee in any way. He will therefore be free to formulate his own intention to be a Musaafir or a Muqeem. (Shaami Vol 1 P 587)

When One Passes by One's Hometown while Travelling with One's Leader

People travelling under the leadership of someone will become Musaafir when the leader is Musaafir and Muqeem when the leader is a Muqeem. However, as soon as any of the followers passes through his hometown while travelling with the leader, the follower will immediately become a Muqeem there because one's intention is **not** taken into account when entering one's hometown. One becomes a Muqeem in one's hometown irrespective of one's intention. Once the follower has passed through his hometown he will become a Musaafir again once the intention to travel the distance of Safar is formulated. (Alaamgiri Vol 1 P 142)

If the Leader Allows his Followers Freedom of Choice

A husband may allow his wife or a commander may allow any of his subordinates the choice to return home from the journey whenever they wish to or to stay on as a Muqeem wherever they wish to. Once he allows them this freedom of choice, they are free to be Muqeem or Musaafir as they please. (Mabsoot Vol 2 P 106)

Will a Man Perform Qasr Salaah When Visiting his In-Laws?

Merely getting married in a town will **not** make the town one's Watn Asli. For a town to qualify as one's Watn Asli it is necessary that one live there together with one's family and one makes up one's mind never to move from there. [Fat'hul Qadeer Vol. 2 Pg. 16]

A husband does **not** leave his wife to live with his in-laws forever, but allows her to stay there occasionally. Their town will therefore **not** be regarded as his Watn Asli. This being the case, if he does **not** intend to stay there for fifteen or more days he will be a Musaafir and perform Qasr salaah. However, if the husband decides that his wife will live permanently with his in-laws or that he will live with his family in the same town, then only will the town become his Watn Asli. He will then perform salaah in full whenever entering the town whether he lives there all the time or **not**. (Badai Vol 1 P 103 - Bahar Vol 2 P 132)

NOTE: Alaama Shaami (A.R) states that a man will never perform Qasr when visiting his in-laws [Vol. 1 Pg. 586]. However, Mufti Abdur Raheem Laajpuri (A.R) states that a man will perform Qasr at his in-laws as long as he does **not** adopt their town as his Watn Asli. In support of this opinion he quotes an extract from Vol. 1 Pg. 78 of Qaadhi Khan.

Will a Husband be a Muqeem or a Musaafir in the Wife's Watn Iqaamah?

A woman took up residence at a place for fifteen or more days for some necessity, thereby becoming a Muqeem there. Her husband was **not** with her but used to visit her occasionally after having to travel the Safar distance. He will **not** become a Muqeem at this place merely

because his wife is Muqeem, but will remain as a Musaafir unless he intends to stay fifteen or more days. [Imdaadul Ahkaam Vol. 1 Pg. 733]

Will a Woman Perform Qasr at her In-Laws?

If a woman is living with her in-laws, their town becomes her Watn Asli and she will have to perform salaah in full as soon as she enters the town. In fact, if a woman is travelling, happens to get married en route and then decides to settle down in the place where she married, she will instantly become a Muqeem there. [Binaayah Vol. 3 Pg. 42 and Bahrur Raa'iq Vol. 1 Pg. 132]

Will a Married Woman Perform Qasr at her Parent's Home?

If a woman has **not** left her parent's home completely, it will remain her Watn Asli and she will perform salaah in full whenever she arrives there. However, if she has completely left their home, it will no longer be her Watn Asli and she will perform Qasr salaah whenever she visits on condition that it further than the Safar distance and she does **not** stay more than fourteen days. [Fataawaa Raheemiyya Vol. 5 Pg. 10 and Fataawaa Daarul Uloom Vol. 4 Pg. 459]

Will a Father Perform Qasr at his Son's House and Vice Versa?

If a father and a son live further than 88,864 km apart, each having his own Watn Asli, they will perform Qasr salaah at each other's homes on condition that the son has completely left his father's home. The same will apply when each has his own Watn Iqaamah. However, if the son has his own Watn Asli but still regards his father's home as his own, the father will be a Musaafir at his son's home while the son will be a Muqeem at his father's home. (Shaami Vol 1 P 586)

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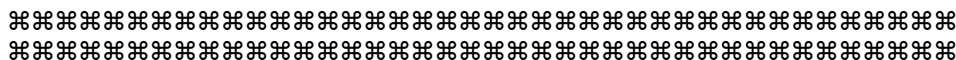
Injunctions Pertaining to perpetual travellers

The Person who is Always on Journey

Such a person will fit into one of the following three categories:

1. If such a person has to travel more than the distance of Safar and does **not** intend to stay fifteen or more days at any place, he will continue performing Qasr salaah indefinitely till he returns home.

2. If he leaves with the intention of staying fifteen or more days at any place further than the Safar distance, he will perform Qasr en route and the full salaah once he arrives at his destination.

3. If he never intended to travel more than 88,864 km, travelled a while and then stopped somewhere. Thereafter, he again left without the intention of travelling more than 88,864 km till he reached another place. He then continued to travel in this manner from place to place till he eventually travelled thousands of kilometres. Such a person will perform salaah in full throughout his journey. However, he will perform Qasr salaah on his return journey if the distance exceeds that of Safar. (Dure Muktaar Vol 1 P 579)

Those Working on Trains, Buses, Aircraft, etc

Drivers, pilots, guards, conductors, vendors, airline stewards and others in the transportation field will perform Qasr salaah at their temporary living quarters as well as while on journey. In this manner they will continue performing Qasr salaah all the time even if it means doing so for an entire year. However, they will perform salaah in full once they arrive at their Watn Asli or when they intend staying at their living quarters for fifteen or more days without undertaking a journey of Safar during this period. Similarly, if they are on duty less than 88,864 km from their living quarters, they will be regarded as Muqeem and perform salaah in full. (Durre Muktaar Vol 1 P 579)

NOTE: If a driver, pilot, etc permanently settles with his family in his living quarters, he will become a Muqeem as soon as he arrives there

because these quarters will now be regarded as his Watn Asli. [Imdaadul Ahkaam Vol. 1 Pg. 604- Bahr Vol 2 P 132]

Those Navigating and Working on Marine Vessels

Will a person perform Qasr if his hometown is far from the docks where his ship anchors, he travels out to sea on a daily basis, returns to the docks every night and spends days on board where all his needs are fulfilled?

The books of Islaamic jurisprudence like Bahrur Raa'iq (Vol. 2 Pg. 131) usually state that one may only be a Muqeem in a town and **not** in an uninhabited place, a deserted island, at sea or in a boat. This creates the misconception that a person may never be regarded as a Muqeem on board any ship. This is **not** the case. The following factors should be understood with regard to this issue:

1. Can one intend to be a Muqeem if the docks are adjacent to a town? If the docks are adjacent to a town in a manner that the built-up area of the town extends up to the docks or some service is rendered to the people of the town from the docks, then the docks will be regarded as part of the town's periphery (Finaa). Therefore, just as it is possible to be a Muqeem in the Finaa of a town, it will be permissible to be a Muqeem at the docks as well.

2. Can one intend to be a Muqeem when one's ship is anchored alongside the docks adjacent to a city? If the docks fall within the Finaa of a town, the ship anchored alongside will be regarded as being part of the docks. It will therefore be possible to be a Muqeem on board the ship as well.

3. Can one intend to be a Muqeem when the docks are **not** near a city? If a town is at a distance from the docks and the people of the town do **not** use the area of the docks for any service related to the town, the docks will assume the status of an uninhabited land. It will therefore **not** be permissible for a Musaafir to become a Muqeem there. Imaam Abu Yusuf (A.R) states that the docks can be regarded as a residence for those people who have their living quarters there. The example of this is similar to a shepherd who pitches tent in an uninhabited area, having with him everything needed to survive. He becomes a Muqeem in such a place. Such will

be the case with those working at the docks and on the ships anchored there.

This verdict of Imaam Abu Yusuf (A.R) is the presiding verdict in this case because the matter concerns an act of Ibaadah (worship) and caution should be exercised in such matters. The most cautious approach is to state that those who do **not** have any living quarters at the docks far from the city cannot be regarded as Muqeem. (Fathul Qadeer P 12 Vol 2)

What should Naval Troops do when Training at Sea?

Sailors in the navy are trained in various manners.

A) They are sometimes trained within a radius of only thirty or forty miles but travel around and about this area in circuits of various directions totalling thousands of miles daily. They carry all their necessities on board and even spend days at sea. The ruling with regard to them is that they will **not** be Musaafir if their boats do **not** travel outside a diameter measuring 48 land miles even though they may travel more than 396 nautical miles[8] during the training.

B) It also occurs that the sailors leave the naval base with the intention of travelling a distance greater than that of Safar. After travelling this distance, they stay at sea for a few days and complete their training in an area closer to the naval base before returning. In this case, they will perform Qasr salaah while at sea because their intention at the beginning was to travel the distance of Safar.

C) If they left with the intention of traversing the distance of Safar, completed the distance but stayed at sea for only a few hours before returning, they will perform Qasr salaah until their return.

D) Another form of training entails a trip lasting a few hours – **not** in one direction, but in various directions totalling a distance in excess of 396 nautical miles. Qasr will **not** be performed in such a case because the boat never exceeded a straight-line distance of 396

[8] It should be born in mind that the distance which a person at sea needs to travel to be regarded as a Musaafir is 396 nautical miles.

nautical miles from the naval base, neither did the sailors intend this.

E) It also occurs that training takes place thirty or forty miles from the naval base, whereafter the boat travels more than 396 nautical miles. If the sailors had the intention to travel this distance from the beginning, they will perform Qasr from the time they leave the coast. If the intention to travel the distance of Safar was made after training but before travelling the 396 nautical miles, Qasr salaah will be performed after leaving the place where the intention was made. The sailors will then continue to perform Qasr throughout the rest of the journey as well as on the way back to the naval base.

F) If the sailors left with the intention of travelling the distance of Safar (i.e. 396 nautical miles) but then decided to return to the naval base before completing the distance, they will stop performing Qasr from the time they decided to return.

There are occasions when only the chief naval officer on board the ship is aware of the destination and he has explicit orders **not** to disclose the destination to anyone. Since all else on board are subservient to him, his intention will suffice for them all. In such a case, the others should make an attempt to learn whether he is performing salaah as Qasr or in full and act accordingly. If this is **not** possible, they should assess the distance travelled and start performing Qasr after travelling 396 nautical miles. [Ahsanul Fataawaa Vol. 4 Pg. 83 to 85]

Nomadic Travellers

There are certain details to be understood with regard to gypsies who wander from place to place, setting up their camps wherever they please. Once they decide to travel a distance greater than that of Safar, they will be regarded as Musaafir on the journey when they pass by the periphery of their settlement (i.e. the area where their children play and their animals graze). They will be regarded as Muqeem at any place where they set up camp even though they may **not** intend to stay there longer than fourteen days. Therefore, when they travel more than the distance of Safar they will only perform Qasr while travelling. As soon as they reach their destination they will perform salaah in full. [Shaami Vol. 1 Pg. 581]

Will a Musaafir Perform Qasr when he Settles down as a Muqeem in an Uninhabited Area?

The intention to be a Muqeem is only valid in a place that is habitable. Therefore, a Musaafir cannot become a Muqeem in an area that is **not** habitable even though he may intend to stay there for many months. He will remain a Musaafir as long as he resides there. (Alaamgiri Vol 1 P 139)

A Person with Multiple Residences

A person may be renting two residences apart from his home, the two being more than 88,864 km apart. At times he stays at one residence and then sometimes lives at the other. When he travels from one residence to the other, he will perform Qasr salaah en route as well as at the residence – even though his family may be there. He will only be regarded as a Muqeem when he intends to stay at any of the residence for fifteen or more days. (Bahr Vol 2 P 132)

The Musaafir who Intends to Return Home as soon as his Work is Done

A Musaafir may enter a town for some purpose or in search of someone with the intention of returning as soon as his work is done, which may either take as little as a few days or as long as a month. Such a Musaafir will perform Qasr as long as he is in the town even though he may stay there for many months. However, if he is certain or at least reasonably sure that he will have to stay at least fifteen days, he will become a Muqeem there. [Bahrur Raa'iq Vol. 2 Pg. 133]

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Injunctions Pertaining to Physical and ceremonial purity

When is a Musaafir Allowed to Perform Tayammum?

A Musaafir is permitted to perform Tayammum when he is unable to perform wudhu. However, if he performs Tayammum while he is able to perform wudhu neither his Tayammum nor his salaah will be valid. There are two occasions when he may be unable to perform wudhu. The first is when water is **not** available. This may either be because there is no water within a radius of 1,61 km from where he is or because the water present is inaccessible e.g. he cannot approach the water source for fear of being attacked by an enemy. Tayammum is permissible in such circumstances.

The second occasion when Tayammum becomes permissible is when water is available and accessible but he cannot use it due to fear of losing his life, a limb, becoming seriously ill or an existing illness being worsened or prolonged. It may also be that he is unable to perform wudhu without the assistance of another person, in which case he will be able to perform Tayammum in the absence of an assistant. Another occasion when Tayammum is permissible is when the Musaafir fears that he will lose his travelling companions or his transport if he has to make wudhu.

It is also permissible to perform Tayammum when a Musaafir has only a little water with him and he fears that if he uses the water for wudhu he will have difficulty in obtaining water further on for Istinjaa[9] or for drinking. One may also perform Tayammum at a station when there is a crowd preventing one from obtaining the water in time for one's train. (Alaamgiri Vol 1 P 28)

Under what Circumstances will One be able to Perform Tayammum at a Station or on a Train?

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[9] Washing one private parts after answering the call of nature.

1. When one cannot obtain water on a train but anticipates that water will become available within the time for salaah, it will be Mustahab to delay one’s salaah until water is found for wudhu. However, if one wants to perform salaah as soon as the time for salaah enters, one can perform Tayammum for salaah on condition that the nearest station is further than 1,61 km away. If the station is closer than this he is **not** allowed to perform Tayammum.

2. Once the train stops at a station it is **not** permissible to perform Tayammum before searching for water.

3. It is permissible to perform Tayammum when one fears that his luggage will be stolen if he goes to make wudhu and it is **not** possible for him to take the luggage with him. It is also permissible to perform Tayammum when water can only be purchased.

4. If there is a strong possibility that water will be available at the station which is less than a mile away, but one fears that the time for salaah will have expired once the train arrives there, it is **not** permissible to perform Tayammum. One should wait until the train arrives at the station, make wudhu and perform one’s salaah even though the salaah becomes Qadha.

5. When the train is still over a mile away from the station and one expects that one will be able to reach in time to perform with wudhu there, it is still permissible to perform one’s salaah with Tayammum on the train. However, it is best to wait until one reaches the station and to perform one’s salaah there with wudhu.

6. If one is busy performing one’s salaah on the train with Tayammum when the train arrives within a mile of the station, one’s salaah will be nullified. This is of course when water is available at the station. [Mu’allimul Hujjaaj Pg. 47]

Till When Should One Keep Waiting for Water?

If there is no water on a train and one anticipates that one will reach the station within the time of salaah, it is Mustahab to rather wait till the final time of salaah before performing Tayammum. However, if there is no hope of reaching water within the Mustahab time, Tayammum should be performed for salaah. (Badai Vol 1 P 54)

Purchasing Water for Wudhu or Ghusl

If water is only available on sale and the Musaafir feels that purchasing the water will **not** place in him in financial difficulty on his journey, it is Waajib (compulsory) for him to purchase the water to make wudhu or take a Ghusl (bath). However, the condition is that the water is sold at a price that is normal for that area. If the price is exorbitant for that area, it is **not** compulsory for him to buy it. [Aalamgeeri Vol. 1 Pg. 29]

There is not enough Water to Perform Wudhu According to the Sunnah

When a Musaafir has water sufficient only to wash each limb once, it will be necessary that he performs wudhu. If he had made Tayammum while this much of water was available, his Tayammum would **not** be valid. [Aalamgeeri Vol. 1 Pg. 30]

Water is Sufficient for Either Wudhu or Istinjaa

If there is an impurity on the body or clothes of a Musaafir and he has water sufficient only for washing off this impurity or for making wudhu (i.e. sufficient only for one of the two; **not** both), he should rather use the water to remove the impurity. If his water is sufficient either for wudhu only or for Istinjaa only, he should use it for wudhu and use lumps of dry mud for Istinjaa. [Badaa'ius Sanaa'i Vol. 1 Pg. 57]

Water was Found after Already Performing Tayammum

A Musaafir performed Tayammum after being convinced that he would **not** find water. He can now be faced with one of three predicaments:

1. He found water before starting his salaah or his train arrived at a station where water is certain to be found. In this case his Tayammum will be nullified. [Abu Dawood]
2. Water became available while he was performing salaah. In this case, his salaah will be nullified and he will have to repeat the salaah with wudhu.

3. Water was found after completing his salaah or the train reached the station after he had completed his salaah. In this case he will **not** have to repeat his salaah with wudhu even though there may be time to do so. (Badai Vol 1 P 57)

Salaah was Performed with Tayammum Forgetting that Water was Available

A person performed his salaah with Tayammum thinking that he had no water with him. It was only after completing his salaah that he realised he had water. In this case, it will **not** be necessary to repeat the salaah. [Badaa'ius Sanaa'i Vol. 1 Pg. 49]

Using Water from the Train Toilets

Many people feel disgusted to use the water in train toilets even though this water may be clean. Doubts should **not** be cast on the purity of the water on the basis of one's personal dislike. It is **not** permissible to perform Tayammum when pure water is present in the toilets. [Fataawaa Mahmoodiyya Vol. 2 Pg. 25]

Water was Available but Tayammum was Performed Thinking that it was Unavailable

A Musaafir performed Tayammum and his salaah under the misconception that water was **not** available on the train. He only discovered later that water was available. In this case he will have to repeat his salaah with wudhu even though the time for salaah may have expired. (Badai Vol 1 P 149)

Water is Close by but the Time for Salaah will have Expired by the time it is Reached

If water is close at hand but time is short and one feels that one would miss one's salaah by making wudhu, it is **not** permissible to perform Tayammum. One will have to reach the water and perform one's salaah with wudhu event though the salaah may be Qadha. [Badaa'ius Sanaa'i Vol. 1 Pg. 55]

The Musaafir who has Neither Water nor Sand

It may occur that a person finds himself in a situation where no water is available nor is there any way in which he can perform Tayammum e.g. in an aeroplane, a train or he may be imprisoned in a filthy place. If he feels that he will **not** be able to find water or sand within the time for salaah, he should mime the actions of a person performing salaah without reciting any Qiraa'ah. This salaah should be repeated at a later stage. [Durrul Mukhtaar Vol. 1 Pg. 185]

Performing Tayammum on the Seats or Walls of a Train

Tayammum is only permissible on things that neither burn, melt **not** rot, e.g. sand, dust, etc. Therefore, if there is that much dust on the seats or walls of a train, which come onto to one's hands when struck on it, Tayammum will be permissible. However, if the dust does **not** come onto to one's hands Tayammum will **not** be permissible. (Alaamgiri Vol 1 P 26)

Using Paper for Istinjaa

Because paper is instrumental in acquiring knowledge, it is necessary that it be respected. Therefore, whether a piece of paper be clean or written upon, it is Makrooh Tahreemi (close to Haraam) to use it for Istinjaa because of the disrespect involved. However, it is permissible to use toilet paper for Istinjaa because it is made for this express purpose and is **not** used for writing. (Shaami Vol 1 P 250)

When may a Musaafir Perform Tayammum in place of Ghusl?

If the time for salaah has begun and a person requires a Fardh Ghusl, he may perform Tayammum when water is unavailable within a radius of 1,61 km. He may also substitute the Ghusl for Tayammum when he fears falling ill by taking a Ghusl with cold water and he has no way of heating the water. Similarly, Tayammum may also be performed when he fears that a current illness may be aggravated by taking a Ghusl. The Tayammum that is performed in all these situations will last only

until the above reasons exist, whereafter he will have to take a Ghusl. (Shaami Vol 1 P 172)

Taking a Ghusl when there is a Shortage of Water

Tayammum may be performed in place of Ghusl when one does **not** have sufficient water for Ghusl or one fears that if he uses the water for Ghusl, there will **not** be enough left over for him and his companions to drink and use for other purposes. (Badai Vol 1 P 51)

When One who Perfomed Tayammum in Place of Ghusl finds water Sufficient only for Wudhu

A Musaafir did **not** have enough water for Ghusl and performed Tayammum instead. Thereafter, whenever anything occurs to nullify his wudhu and he only has sufficient water for wudhu, he should make wudhu. Tayammum in place of wudhu will **not** be permissible for him. it will be necessary for him to take a Ghusl only once he has access to sufficient water for Ghusl because then his wudhu will also be nullified. [Badaa'ius Sanaa'i Vol. 1 Pg. 51]

Can a Musaafir Engage in Conjugal Relations when he Does not have Sufficient Water?

If a Musaafir has neither any water nor any hope of finding any water, he is permitted to engage in lawful conjugal relations. He will have to perform Tayammum in place of Ghusl. [Aalamgeeri Vol. 1 Pg. 31]

Taking a Ghusl on a Train

If one requires to take a Fardh Ghusl on board a train and it is possible for him to take a Ghusl in the toilets, it will be necessary for him to do so. If this is **not** possible and he anticipates that he will reach a station within the time of the salaah and have sufficient time to take a Ghusl without missing the train, he should rather **not** perform Tayammum on the train. However, if he does perform Tayammum on the train and his salaah thereafter, both will be valid. However, the precondition for this validity is that he completes his salaah before the train reached within

a mile of a station where sufficient water is available. (Aap ke Masaa'il awr un kaa Hal Vol 2 pg 53)

If One Feels Shy to Take a Ghusl at a Station

Many stations nowadays have shower facilities. Although there are many stations that do **not** have such facilities, it is possible for one to take a Ghusl in privacy in some remote area of the station as many people are seen doing. When this is possible and one's luggage can remain safe during this time, it will be Waajib for a person to take his Fardh Ghusl. He will **not** be excused from this Ghusl merely because he feels embarrassed to take a Ghusl in such a place. Embarrassment will **not** waive the obligation to take a Ghusl and it will **not** be permissible to perform Tayammum because of embarrassment. [Fataawaa Daarul Uloom Vol. 1 Pg. 252]

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Injunctions Pertaining to masah on socks

One of the concessions allowed for the Musaafir is that he is permitted to making Masah[10] on his socks for three days and three nights. It will only be permissible to make Masah on socks that are made of leather or socks that are made of a coarse material through which water cannot penetrate and which will **not** tear if one walks three miles wearing them without shoes. It is **not** permissible to make Masah on common cotton and polyester socks. [Badaa'ius Sanaa'i Vol. 1 Pg. 10]

Basic Principles with Regard to Masah on Socks

1. Whether one is a Musaafir or a Muqeem, one may only make Masah on one's socks when the socks are worn while one is in the state of wudhu.
2. Masah is **not** permissible on socks that have a tear equal to the size of three small toes.
3. Masah can only be made on the socks when one makes wudhu. It is **not** permissible when one has to take a Ghusl. If one performed Tayammum in place of Ghusl and then needs to make wudhu, it is permissible to make Masah on one's socks.
4. The Masah will be nullified if even one sock comes off or when the time period for the Masah expires. If one's wudhu is still intact when this time period expires, it will **not** be necessary to repeat the entire wudhu. It will suffice to merely wash the feet. [Badaa'ius Sanaa'i Vol. 1 Pg. 9 and Aalamgeeri Vol. 1 Pg. 33]

The Period of Masah for a Musaafir

A Musaafir is permitted to make Masah on his socks for three days and three nights[11]. This time period will commence from the time his wudhu breaks after wearing the socks. For example, a Musaafir wore the socks after Zuhr salaah and his wudhu broke at the time of Asr salaah. He will therefore start counting the three days and nights from the time of Asr only. (Alaamgiri Vol 1 Pg 33)

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[10] i.e. passing a wet hand over the sock.
[11] Tirmidhi.

The Method of Making Masah

The fingers of both hands should be made wet, placed at the toes of each sock (right hand on right foot and left hand on left foot) and then drawn towards the ankles.

When one Intends to be a Muqeem or a Musaafir During the Period of Masah

A Musaafir was wearing his leather socks when decided to stay fifteen or more days at a certain place or he entered his hometown (becoming a Muqeem in either case). Therefore:

A) If the time period had already expired by then, it will be necessary for him to remove the socks to make wudhu.
B) If three days and nights had **not** yet expired, but more than a day and night has elapsed, it will also be necessary for him to remove the socks for wudhu.
C) If a day and night had **not** yet elapsed, he will still be able to continue making Masah until this time period expires. [Badaa'ius Sanaa'i Vol. 1 Pg. 9]

If a Muqeem decides to leave on a journey (thereby becoming a Musaafir) while wearing the socks then:

A) If a day and a night have already expired, he will have to remove the socks and make another wudhu before wearing them again for the journey.
B) If a day and a night have **not** yet elapsed, he will now count three days and three nights as his new period instead of just one day and night. [Ibid]

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Injunctions Pertaining to the adhaan and iqaamah

The Status of Adhaan and Iqaamah While Travelling

If a few travellers wish to perform salaah in Jamaa'ah (congregation), it will be Mustahab for them to do so after calling out both the Adhaan and the Iqaamah[12] unless they are at a place where the Adhaan is called out regularly or they fear that calling out the Adhaan will lead to some problems or them being mocked at. If they only call out the Iqaamah, it will be correct without being Makrooh (reprehensible). However, it will be incorrect for them to perform salaah in Jamaa'ah without both the Adhaan and Iqaamah. (Nisai Vol 2 P 17 – Shaami Vol 1 P 290)

Is a Musaafir Allowed to Call out the Adhaan and the Iqaamah?

If a person is sane and understanding, he is permitted to call out the Adhaan and the Iqaamah whether he be a Muqeem or a Musaafir. Hadhrat Maalik bin Huwayrith (R.A) narrates that his cousin and himself arrived in Madinah and stayed in the company of Rasulullaah (salallaahu-alayhi-wa-sallam) for twenty days. When it was time for them to leave, Rasulullaah (salallaahu-alayhi-wa-sallam) advised them thus, "When you two are travelling, call out the Adhaan, the Iqaamah and then let the elder one lead the salaah." [Mishkaat Pg. 66]

However, the person calling out the Adhaan and the Iqaamah should **not** be an open sinner nor one who carries out Bid'ah (innovative) practices. The Adhaan and Iqaamah of such a person will be Makrooh whether he is a Musaafir or a Muqeem. [Shaami Vol. 1 Pg. 289]

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[12] It is reported in a hadith that when a person performs salaah in a deserted place and calls out the Iqaamah, two angels perform salaah behind him. If he calls out the Adhaan as well as the Iqaamah, he is followed by such a large group of angels, the end of whom cannot be seen. They all bow down when he does, prostrate when he does and say "Aameen" in reply to his du'aas. [Nasa'ee Vol. 2 Pg. 17]

Calling out the Adhaan on a Train

It is Mustahab to call out the Adhaan on a train or at a station even though all one’s companions may be present and even though the journey may **not** exceed 88,864 km. Therefore, Adhaan should always be given when salaah is to be performed in Jamaa’ah unless there is fear of being mocked at or some trouble arising.

If the travellers in one coach of a moving train have no contact with travellers in another coach, the Adhaan called out in one coach will **not** suffice for the other. However, if there is movement between the two coaches, one Adhaan will suffice. [Ahsanul Fataawaa Vol. 2 Pg. 294]

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Injunctions Pertaining to time

Performing Asr After one "Mithal"[13]

According to Saahibayn[14], a Musaafir is permitted to perform his Asr salaah after one Mithal if he fears that he will miss his transport by performing Asr in strict accordance with the Madh'hab of Hadhrat Imaam Abu Haneefa (A.R) i.e. after the length of an object is twice as long as the object itself (double Mithal). This is also permissible when the Musaafir fears that he will have difficulty finding a place or appropriate time along the way for his Asr salaah, or if there is a danger of missing the salaah completely by delaying it until double Mithal. (Shaami – Vol 1 Pg 264)

It is not Permissible to Perform Zuhr and Asr at once while on a Journey

A Musaafir is **not** allowed to perform both Zuhr and Asr during the time of Zuhr. Although Asr may be performed before double Mithal, it cannot be performed before one Mithal. If a person delays his Zuhr salaah till the time of Asr, his Zuhr will be regarded as Qadha and he will be sinful. The same applies for every salaah (i.e. no salaah may be performed in the time of another salaah). [Durrul Mukhtaar Vol. 1 Pg. 281]

When Can Two salaahs be combined according to the Shafi'ee Madh'hab?

If the nature of the journey or the circumstances of the Musaafir are such that he required to perform two salaahs at the same time e.g. he will be unable to stop on the road for Asr or he will be unable to perform the salaah properly. In such a case, the Madh'hab of Imaam Shaafi'ee (A.R) permits him to perform his Asr salaah during the time

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[13] One Mithal will be the time after midday when the shadow of any object is equal in length to the object itself.

[14] Referring to the two eminent students of Hadhrat Imaam Abu Haneefa (A.R) viz. Imaam Abu Yusuf (A.R) and Imaam Muhammad (A.R).

specified for Zuhr. Similarly, if the Musaafir was unable to perform Maghrib during its time and the time Isha entered, the Shafi’ee Madh’hab allows him to perform Maghrib and Isha during the time of Isha.

The Shaafi'ee Madh’hab however restricts the combining of salaahs only to the above two combinations viz. combining Zuhr with Asr and Maghrib with Isha. It is **not** permissible to combine any other two salaahs e.g. Fajr and Zuhr, Asr and Maghrib or Isha and Fajr.

There are two manners in which the above two combinations may be performed. These are referred to as (1) Jama Taqdeem and (2) Jama Taakheer. Jama Taqdeem entails advancing the time of a salaah i.e. performing Asr during the time of Zuhr or performing Isha during the time of Maghrib. Jama Taakheer entails postponing the time of a salaah i.e. performing Zuhr during the time of Asr or performing Maghrib during the time of Isha. The precondition for Jamaa Taakheer to be valid is that the Musaafir makes the intention of delaying the salaah before the time for the delayed salaah expires.

The three preconditions for Jamaa Taqdeem to be valid are:

(a) The salaah that is within its time should be performed first.
(b) One should have the intention of performing the second salaah before completing the first.
(c) There should **not** be long interval between the two salaahs.

In addition to these conditions, if a Musaafir who does **not** belong to the Shafi’ee Madh’hab decides to combine his salaahs as the adherents of the Shafi’ee Madh’hab do, he should also conform to all the other restrictions of the Shafi’ee Madh’hab with regard to salaah and wudhu. Some of these are:

❖ He should recite Surah Faatiha in salaah behind the Imaam.
❖ His wudhu will be nullified if he touches his private part with his bare hands.
❖ His wudhu will also be nullified if he touches a Mahram or non-Mahram woman with his bare hands. [Shaami Pg. 282 and Dars Tirmidhi Vol. 1 Pg. 440 – Muqadome Alai Sunna – Vol 2 Pg 200]

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Injunctions Pertaining to the direction of qibla

Is it Necessary for a Musaafir to Face the Qibla?

It is necessary for a Musaafir to face towards the Qibla whether he is travelling on a ship, train, aeroplane, etc. If he purposely faced a direction other than that of the Qibla, his salaah will **not** be valid. If he is unaware of the direction of the Qibla it is compulsory for him to enquire from someone. If he performs salaah without enquiring, his salaah will **not** be valid. If there is none who can inform him, he should determine the direction by using a compass, the moon, the sun, etc. If this is also **not** possible, he should deliberate over the matter and try to determine the direction. He should then perform salaah in the direction he feels is most correct. (Bahr Vol 1 Pg 288)

If he performs salaah after these efforts and is then informed that the direction was incorrect, his salaah will still be valid. However, if he performed salaah without proper investigation, his salaah will be invalid. If he performed salaah without investigation and the accuracy of his guess was confirmed after completing the salaah, the salaah will be valid. Similarly, if he failed to make enquiries when it was possible to do so and performed salaah facing a direction that he determined by himself, the salaah will only be valid if the accuracy of his direction is confirmed. The salaah will have to be repeated if the direction was discovered to be incorrect.

If it is impossible for a one to perform Ruku and Sajdah on a train due to excessive crowds and it is also **not** possible to alight from the train for salaah, one may perform salaah sitting down and facing in any direction possible [Fataawaa Daarul Uloom Vol. 2 Pg. 156]. However, it is necessary to repeat this salaah whenever possible.

Hadhrat Mufti Mahmood Hasan (A.R) has stated that if there is no place for one to perform salaah standing, he should do so sitting down so that the salaah is **not** missed. He may repeat the salaah later when he is able to stand. [Fataawaa Mahmoodiyya Vol. 2 Pg. 120 – Bahr Vol 1 P 142]

When the Vehicle Changes Direction During Salaah

If one senses that the vehicle on which he is performing salaah is changing direction, he should turn towards the Qibla as he stands in salaah. If this is **not** possible or if he intentionally fails to turn, he will have to begin his salaah anew. However, if he only discovers the change of direction after completing his salaah, it will **not** be necessary to repeat the salaah. His salaah will also be valid if the change of direction was only slight.[15]

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[15] Allaama Shaami (A.R) has stated that salaah will be valid if the direction a person faces in salaah is 45 degrees away from the actual direction of the Qibla i.e. within 22,5 degrees to the right of Qibla or 22,5 degrees to the left. [Vol. 1 Pg. 314]

Injunctions Pertaining to salaah

Which Salaahs should be Performed as Qasr?

It is Waajib (compulsory) to abridge only the Fardh of Zuhr, Asr and Isha as Qasr. It is **not** permissible to abridge the Fardh of Fajr and Maghrib and the Witr of Isha. (Shaami Vol 1 P 580)

The Position of Witr, Sunnah and Nafl salaah on Journey

It is **not** permissible to perform any Waajib, Sunnah or Mustahab salaah as Qasr (in an abridged manner). Since the three Rakaahs of Witr are Waajib, it is **not** permissible to omit them while travelling. However, the emphasis on Sunnah salaah does **not** apply while on journey and a Musaafir will be excused for **not** performing them. If one is **not** in a hurry, if the journey is **not** too strenuous and if there is no fear of losing one's companions or transport, it is best to perform the Sunnah Mu'akkadah salaah. Care should be taken **not** to miss the Sunnah of Fajr and Maghrib because these have been greatly emphasised in the Shari'ah. If a Musaafir abridges any of the Sunnah salaahs, they will cease to be Sunnah and become Nafl. (Durr – Vol 1 P 585)

The Taraweeh Salaah of the Musaafir

It is best for the Musaafir to perform his Taraweeh salaah if it will **not** cause him difficulty. (Shaami Vol 1 P 585)

The Qiraa'ah of a Musaafir

If the Musaafir is at ease, it will be best for him to recite those Surahs in Qiraa'ah which a Muqeem would normally recite in the five daily salaahs. However, if he is **not** at ease, he may recite any Surah he pleases. Imaam Muhammad (A.R) stated that it is best that the Musaafir recites the likes of Surah Taariq and Surah Shams in Fajr and Zuhr and the likes of Surah Ikhlaas and Surah Nasr in Asr, Maghrib and Isha. [Mabsoot Vol. 1 Pg. 290]

Can a Musaafir Reduce the Number of Times he Recites Tasbeeh in Ruku and Sajdah?

The minimum number of times that a Musaafir may recite the Tasbeeh of Ruku and Sajdah is also three. He should **not** recite less than this. [Shaami Vol. 1 Pg. 585]

The Muqtadi who is a Musaafir should recite the Tasmee and Tahmeed in the Remaining Rakaahs

After the Imaam has completed the salaah, the Muqtadi who is a Musaafir will complete the Rakaahs he missed (because he is a Masbooq). It is therefore Mustahab for him to recite the Tasmee (saying "Sami'Allaahu liman Hamidah") when arising from Ruku and the Tahmeed (saying "Rabbanaa Lakal Hamd") when standing in Qaumah (the standing position between Ruku and Sajdah). (Durr – Vol 1 P 367)

How many Rakaahs have to be made when the Journey started after the Time for a Salaah Began?

If a person started his journey after the time of a particular salaah commenced, he will perform Qasr salaah as soon as he leaves the boundaries of his town. In fact, if a Muqeem failed to perform his salaah on time and left on a journey just as the time for the salaah was about to expire, he will still perform Qasr salaah when he leaves the town's boundary. It is **not** permissible for him to perform salaah in full. However, if he has left his home but has **not** yet left the boundary of his town, he will have to perform his salaah in full. Qasr is **not** permissible in this case. [Bazzaaziyya Vol.1 Pg.167]

How many Rakaahs have to be Performed when one becomes a Muqeem?

The time for a particular salaah began while a Musaafir was still on journey. He had **not** yet performed the salaah when he entered the boundary of his hometown, becoming a Muqeem while time still

remained for the salaah to be performed. He will now perform the salaah in full because Qasr will **not** be permissible for him. If he did perform the salaah as Qasr before entering his town, it will **not** be necessary for him to repeat the salaah. [Ibid]

A Person Performed Qasr after leaving on a Journey but returned home before the Time for the Salaah Expired. Does he need to Repeat the Salaah?

A person left on a journey after the time for a particular salaah started. He performed Qasr salaah en route but had to postpone the journey and return home before the time for that salaah expired. It will **not** be necessary for him to repeat the salaah once he reaches home. [Siraajiya Pg. 11]

A person became a Muqeem after Performing Qasr salaah as a Musaafir. He then realises that his Salaah was not valid

After performing his salaah as Qasr, a Musaafir returned home while the time for the salaah still remained. Only when he returned did he realise that his salaah was **not** valid. He should now repeat the salaah as four Rakaahs. However, if the time for the salaah has already expired, he will repeat the salaah as two Rakaahs. [Shaami Vol. 1 Pg. 585]

What will be done if the Musaafir took an Oath to perform Four Rakaahs?

It is **not** permissible take an oath to carry out any sin and it is also **not** permissible to fulfil such an oath. **Not** performing Qasr salaah when on journey is a sin. Therefore, if a Musaafir takes an oath to perform four Rakaahs, it is **not** permissible for him to perform four, but he has to perform Qasr salaah. He should then pay the Kaffaara (expiation) for breaking his oath. However, if he performs four Rakaahs he will be sinful even though no Kaffaara will be due from him. He therefore has to make Tauba and seek forgiveness from Allaah. [Shaami Vol.3 Pg.68]

How many Rakaahs must be Performed when a Musaafir Purposely or Mistakenly made the Intention to perform Four Rakaahs?

It is necessary to specify the salaah being performed before performing any Fardh salaah. Merely specifying the salaah being performed is sufficient and one does **not** have to specify the number of Rakaahs being performed. Therefore, if a Musaafir makes the intention to perform four Rakaahs, his intention will be of no consequence. He still has to perform two Rakaahs. After making the intention of four Rakaahs, he should change this intention in his heart while performing salaah, but he should **not** verbally mention the change of intention. [Mabsoot Vol. 1 Pg. 271 and Shaami Vol. 1 Pg. 583 – Mishkaat Vol 2 P297]

What is the Ruling if a Musaafir Mistakenly performed Four Rakaahs instead of Two?

If a Musaafir performed four Rakaahs salaah instead of Qasr, one of the following situations will apply:

A) If he did **not** perform the Qa'da Ula (first sitting posture between the second and third Rakaahs), then his Fardh salaah is invalid. He will have to repeat the salaah as two Rakaahs Qasr. The four Rakaahs will be regarded as Nafl if he performed Sajdah Sahw. [Maa Laa Budda Minhu Pg. 51]

B) If he did perform the Qa'da Ula, his Fardh will be valid on condition that he performed Sajdah Sahw. Two of the four Rakaahs will then be regarded as Fardh while the other two will be Nafl. If he did **not** perform Sajdah Sahw, it will be Waajib for him to repeat the salaah. [Shaami Vol. 11 Pg. 584/5]

If the Musaafir Intentionally Performed Four Rakaahs

It is Makrooh Tahreemi for a Musaafir to perform salaah in full instead of Qasr. Therefore, if any Musaafir intentionally omitted to perform Qasr it will be Waajib (compulsory) for him to repeat his salaah even though he may have performed Sajdah Sahw. Sajdah Sahw will **not**

compensate for any action that is done intentionally. [Fataawaa Raheemiyya Vol. 3 Pg. 51 Shaami Vol 1 P 584]

Can a Salaah be Repeated after the time Expires?

When it becomes Waajib (compulsory) to repeat a salaah, it can be repeated before the time for the salaah expires as well as afterwards. A person will be sinful if he fails to repeat the salaah afterwards. (Shaami Vol 1 P 336)

Will a Repeated salaah be Regarded as Fardh or Nafl?

There is a difference of opinion amongst the Fuqahaa concerning whether a salaah will be regarded as Fardh or Nafl when it is repeated. Allaama Shaami (A.R) has discussed the issue in detail and his conclusion coincides with the opinion of the authors of Hidaayah and Maraaqi. They state that the first salaah is Fardh while the repeated one is Nafl. [Shaami Vol. 1 Pg. 237; Maraaqi Pg. 124]

When a person Continues to Perform Qasr after Reaching his Watn Asli or Watn Iqaamah

A Musaafir reached his Watn Asli or Watn Iqaamah and continued to perform Qasr instead of the full salaah. He also led the salaah as Imaam during this time. It will be Waajib for him to repeat all the salaah that he performed as Qasr. Those who followed him in any of these salaah should also repeat their salaah. (Mirqaat 124)

When Salaah is Performed in Full Thinking that the Distance of the Journey is Less

If a person had already travelled the Safar distance of 88,864 km but thought that he had **not** yet travelled that distance and performed his salaah in full, his salaah will be valid on condition that he performed the Qa’da Ula (the first sitting). If he had omitted the Qa’da Ula, the salaah will **not** be valid even though he performed Sajdah Sahw. This

is because the Qa'da Ula became Fardh and no salaah is valid without any of the Fardh acts. It will therefore be necessary to repeat the salaah. [Durrul Mukhtaar Vol. 1 Pg.583 – Kabiri p 589]

Performing Qasr be Less

If a person performed Qasr when undertaking a journey that is five or ten kilometres less than the distance of Safar, he will have to repeat every salaah performed as Qasr. (Durr P 583)

Performing Qasr Salaah thinking the Distance of Safar to be two or three Kilometres less than the Safar Distance

A person regarded himself as a Musaafir when travelling a distance that is negligibly shorter than that of Safar (88,864km) e.g. 1 or 2 km shorter. If he then performed Qasr salaah on this notion, his salaah will be valid and he will **not** have to repeat it. [Kitaabul Fiqh Vol. 1 Pg. 473 – Shaami Vol 1 P 57]

Performing Maghrib, Boarding a Plane and then seeing the Sun again

A person performed his Maghrib salaah and then flew in a jet in a westerly direction. His flight was so fast that he saw the sun still setting in front of him. It will now **not** be necessary for him to repeat his Maghrib salaah[16]. However, Hadhrat Mufti Mahmood (A.R) writes that although the person has discharged his responsibility, he should repeat his salaah as a token of honour for the time and to conform with the Muslims (of that place who will still be performing Maghrib). [Fataawaa Mahmoodiyya Vol. 13 Pg. 129]

How will a Musaafir perform his Salaah in places where the Duration of the Day and Night are Unusually Long?

[16] Shaami Vol. 1 Pg. 265

A Musaafir may reach a place where the length of the day and night are unusual, like Lapland, Tundra, Glasgow, Scotland, etc, where the day may extend for 22 to 24 hours at times. In fact, there are places where the night extends for six consecutive months and the day for another six consecutive months. How will a person perform salaah in these places? (Shaami Vol 1 P 265)

The procedure to follow in such situations is that the five salaah should be performed on their fixed times if this is possible, even though there may be an considerably long duration between two salaahs. If the day is so long that five salaahs cannot be performed (e.g. when the day is six months long), the salaah times should be calculated according to the times that it occurs on normal days. If the country is such that the sun only sets for a few moments every day and it is possible to perform Maghrib, Isha and Fajr in that duration, the three salaahs should be performed with short intervals between them. (Shaami Vol 1 P 268)

If people living in places that have long days travel to Eastern countries where the days are extremely short by comparison, they should perform their salaah according to the fixed times at their destination. [Ahsanul Fataawaa Vol. 4 Pg. 71]

A Musaafir has already performed his Eid Salaah and then Reaches Home to find that Eid is still to take place

A Musaafir performed the Eid salaah in a certain country and then arrived in another country where the sighting of the Eid moon was yet to be confirmed and the people were still fasting. An example of this is where people return home from Makkah. In this case it is best for them to join the Jamaa'ah for the Eid salaah. [Fataawaa Mahmoodiyya Vol.13 Pg.130]

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Injunctions Pertaining to Jamaa'ah

Is Salaah with Jamaa'ah Masnoon for the Musaafir as well?

It is Sunnah Mu'akkadah[17] to perform the Fardh salaah with Jamaa'ah (in congregation). This injunction also applies to the Musaafir. It is therefore Sunnah for him as well to perform salaah with Jamaa'ah. The Musaafir will be sinful if he omits to perform salaah with Jamaa'ah without any valid excuse. However, he will **not** be sinful if performing salaah with Jamaa'ah will cause him difficulty e.g. the fear of his goods getting stolen. [Durrul Mukhtaar Vol.1 Pg.410]

It is Wrong to Forsake Salaah with Jamaa'ah when on a Journey

When a Musaafir is stationed at a place and he has no difficulty in performing salaah with Jamaa'ah, it is also Sunnah Mu'akkadah for him to perform his salaah with Jamaa'ah. He will be sinful if he fails to join the Jamaa'ah without a valid excuse. However, he will **not** be sinful if he does **not** join the Jamaa'ah if he fears that joining the Jamaa'ah will cause him to lose his companions or his transport, or that it will cause him some other difficulty. [Shaami Vol. 1 Pg. 411]

Can Musaafirs make a second Jamaa'ah?

If a group of Musaafirs come to a Masjid that has an appointed Imaam and Mu'adhin, they may **not** make a second Jamaa'ah in the Masjid after the first Jamaa'ah has finished. In fact, it is Makrooh Tahreemi for them to do so. However, it will **not** be Makrooh for them to make their Jamaa'ah anywhere in the Masjid that is **not** regarded as within the Masjid boundaries. It will **not** be Makrooh for them to make second Jamaa'ah in a Masjid that does **not** have an appointed Imaam and Mu'adhin. [Shaami Vol. 1 Pg. 408]

[17] According to many jurists, it is **Waajib** and **not** Sunnah Mu'akkadah.

The Distance between the Rows of a Jamaa'ah

A group of Musaafirs performed salaah with Jamaa'ah but there were large spaces between their Saffs (rows). Will their salaah be valid?

If the salaah is performed in a field, station or any other place that is larger than 3600 square feet (334.451 m^2), the salaah of the entire congregation will be valid when the distance between the Saffs is small. However, the people in a Saff will **not** be said to be following the Imaam (i.e. they will be cut off from the Imaam) when one of the following apply:

- There is a distance of 8 ft (2.44m) between them and the preceding Saff.
- Between them and the preceding Saff there is a road wide enough for an ox-cart to pass by.
- Between them and the preceding Saff there is a pond measuring 225 ft^2 (20.9m^2).
- Between them and the preceding Saff there is a river flowing.

However, if any of the above situations apply to only a part of a Saff, while the rest of the Saff is joined to the preceding Saff, the entire Saff will be regarded as followers of the Imaam (i.e. **not** cut off).

If the salaah is performed in a place that measures less than 3600 ft^2 (334.451m^2), then the salaah of every follower (Muqtadi) will be valid irrespective of their distance from the Imaam or the preceding Saffs. However, it is Makrooh Tahreemi to unnecessarily leave gaps in between. If a pond measuring 225 ft^2 (20.9m^2) creates a separation between the Saffs, the Saffs will then be cut off from one another, even in this small area. [Ahsanul Fataawaa Vol. 3 Pg. 308; Fataawaa Raheemiyya Vol. 4 Pg. 340 – Shaami Vol 1 P 433]

What should the Resident Musallis do when a Group of Musaafirs have already Made Jamaa'ah in their Masjid?

A group of Musaafirs called out the Adhaan and Iqaamah or only the Iqaamah and then performed salaah with Jamaa'ah in a Masjid before the resident Musallis could perform their salaah with Jamaa'ah. In this case, the local residents should perform their salaah in the Masjid.

Although their Jamaa'ah seems like the second Jamaa'ah, it will **not** be Makrooh. [Shaami Vol. 1 Pg. 408]

Is a Muqeem Imaam better than a Musaafir Imaam?

If the congregation (Jamaa'ah) comprises of Musallis who are both Muqeem and Musaafir, it is best that the Imaam be a Muqeem even though it will be correct for a Musaafir to be the Imaam. The reason for this is the possibility that the salaah of unwary people may be nullified when the Imaam is a Musaafir. However, if one of the Musaafirs is more pious than any of the Muqeems, it is best that he should be the Imaam. [Bahrur Raa'iq Vol. 1 Pg. 348]

Can a Musaafir Lead Ladies in Salaah?

If a Musaafir led ladies in salaah, their salaah will be correct on condition that any of them are his Mahram. However, it is Makrooh for a Musaafir to lead ladies in salaah when no Mahram of his is present with them. [Mabsoot Vol. 1 Pg. 287/8]

Can a Musaafir Woman be the Imaam?

It is Makrooh for a group of ladies to perform salaah with Jamaa'ah with one of them as Imaam. However, if they do this, their salaah will be valid. In this case, it is necessary that Imaam stand with the other woman in the same Saff (and **not** ahead of them). [Mabsoot Vol. 1 Pg. 288]

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Injunctions Pertaining to Imaamah

How many Rakaahs should the Musaafir Perform if the Imaam is a Muqeem?

If the Imaam is a Muqeem and the Muqtadi is a Musaafir, the Musaafir will perform four Rakaahs Fardh like the Imaam even though he may have joined the Imaam only in the Qa'da Akheera (the final sitting). If the Musaafir terminated his salaah by making Salaam after two Rakaahs, he will have to repeat the salaah. The Musaafir may **not** follow an Imaam who is performing Qadhaa of a four-Rakaah salaah. [Durrul Mukhtaar Vol. 1 Pg. 584]

Why should a Musaafir Muqtadi Perform Four Rakaahs Fardh?

Although only two Rakaahs are Fardh for a Musaafir, he will perform four Rakaahs when he follows an Imaam who is a Muqeem. This is because it is necessary for him to follow every action of the Imaam. [Hidaayah Vol. 2 Pg. 12]

What if the Musaafir Muqtadi performed Qasr behind a Muqeem Imaam?

If a Musaafir followed a Muqeem in salaah and then terminated his salaah after the Imaam had completed two Rakaahs thinking that he only needs to perform two Rakaahs. His salaah will be invalid and he will have to repeat it. [Fataawaa Raheemiyya Vol. 1 Pg. 235 – Shaami Vol 1 P349]

How Many Rakaahs will a Musaafir perform if he Joined the Jamaa'ah in the third Rakaah?

A Musaafir will have to complete four Rakaahs Fardh when he follows a Muqeem Imaam even though he joins the Imaam just before Salaam. Therefore, if the Musaafir Masbooq did **not** complete four Rakaahs after the Imaam made Salaam, he will have to repeat the salaah as Qasr. [Badaa'ius Sanaa'i Vol. 1 Pg. 101]

Will all Four Rakaahs of a Musaafir be regarded as Fardh or only Two?

Although only two Rakaahs are Fardh for a Musaafir, four Rakaahs become Fardh for him once he follows an Imaam. Therefore, all four Rakaahs he performs are regarded as Fardh and **not** two Rakaahs. [Hidaayah Vol. 2 Pg. 12]

The Musaafir made an Intention to Perform four Rakaahs thinking that the Imaam is a Muqeem

A Musaafir followed and Imaam thinking that the Imaam was a Muqeem. The Musaafir therefore made the intention to perform four Rakaahs Fardh. However, the Imaam was also a Musaafir and terminated the salaah after two Rakaahs. In this case, the Muqtadi should also terminate his salaah with the Imaam because his intention of four Rakaahs is **not** valid. If he decided to stand by his intention and complete four Rakaahs, his salaah will **not** be valid and he will have to repeat the salaah of two Rakaahs. [Shaami Vol. 1 Pg. 583]

A Musaafir Completed Four Rakaahs Thinking that the Imaam was a Muqeem

A Musaafir Masbooq followed a Musaafir Imaam thinking that the Imaam was a Muqeem. As a result, the Masbooq completed four Rakaahs after the Imaam made Salaam. It was only afterwards that the Masbooq learnt that the Imaam was a Musaafir. The salaah of the Masbooq will therefore be invalid and he will have to repeat his salaah as Qasr. [Bahrur Raa'iq Vol. 2 Pg. 135]

Can a Musaafir Follow a Muqeem Imaam for Qadhaa Salaah?

A Muqeem and a Musaafir both missed salaah and need to perform Qadhaa. If they perform the Qadhaa in Jamaa’ah and the Muqeem is made the Imaam, it will **not** be permissible for the Musaafir to follow him in the four-Rakaah salaahs of Zuhr, Asr and Isha. However, it is permissible for him to follow the Muqeem in Fajr and Maghrib salaah.

On the other hand, the Muqeem may follow the Musaafir in the Qadhaa salaah but should stand up to complete his four Rakaahs after the Musaafir has made Salaam. [Shaami Vol. 1 Pg. 585]

Why can a Musaafir not Follow a Muqeem in a Four-Rakaah Qadhaa Salaah?

Only two Rakaahs are Fardh for a Musaafir. This injunction can only be altered within the time of a salaah e.g. when the Musaafir intends to become a Muqeem within the time of a four-Rakaah salaah, four Rakaahs will become Fardh on him instead of two. Similarly, when he follows an Imaam who is a Muqeem, four Rakaahs will become Fardh for him.

However, the obligation of performing two Rakaahs Fardh cannot be altered after the time for the salaah expires. After the time expires, he has no option but to perform two Rakaahs. Therefore, when he performs salaah behind a Muqeem Imaam, although he ought to perform four Rakaahs like the Imaam, he cannot do this after the time for the salaah expires (i.e. when the salaah is Qadhaa). After the expiry of the salaah time, it will be wrong for him to perform four Rakaahs Qadhaa behind the Imaam. [Ibid]

A Musaafir followed a Muqeem in Salaah and only found out Afterwards that the Imaam's Salaah was not Valid

If the Imaam made a mistake in salaah whereby the salaah was nullified, the Musaafir Muqtadi (follower) should repeat the salaah as two Rakaahs if the Imaam was a Musaafir. Similarly, if the Musaafir was performing his salaah alone and it was only afterwards that he realised that his salaah was nullified, he will repeat the salaah as two Rakaahs.

It may occur that the Imaam makes a mistake in salaah that does **not** nullify the salaah, but requires Sajdah Sahw to be performed as compensation. However, if the Imaam failed to make the Sajdah Sahw and completed the salaah, the obligation of salaah will be discharged, but the salaah will have to be repeated. In such a situation, whether the Musaafir repeats his salaah within the time of the salaah or afterwards, he will have to perform four Rakaahs because the Fardh

obligation was discharged by the first salaah and the repetition is to complete the salaah. If he has to follow a Muqeem in this repetition he will also perform four Rakaahs. [Fataawaa Raheemiyya Vol. 5 Pg. 14 – Alaamgiri Vol 1 P 142]

Will the Salaah of a Musaafir be Valid if the Imaam does not Perform the Qa'da Ula?

The Imaam is a Muqeem while the Muqtadi is a Musaafir. If the Imaam erroneously omitted the Qa'da Ula, the salaah of the Musaafir will be valid. If the Imaam makes the Sajdah Sahw in the Qa'da Akheera, it will **not** be necessary for the Musaafir to repeat his salaah. [Siraajiyya Pg.12]

Time Expired as the Musaafir was Perofming Salaah behind a Muqeem Imaam

A Musaafir began following a Muqeem Imaam during the time of a particular salaah. His salaah was **not** yet complete when the time for the salaah expired. This will **not** affect the Musaafir's salaah and his salaah will be valid. However, if the Imaam nullified the salaah, the salaah of the Musaafir will naturally also be nullified. When the Musaafir repeats the salaah, he will only perform two Rakaahs and he will **not** be able to follow a Muqeem Imaam in this repeated salaah. [Fathul Qadeer, Vol. 2 Pg. 14; Mabsoot Vol. 1 Pg. 289]

The Imaam had only performed Two Rakaahs when the Time expired and a Musaafir joined the salaah

A Muqeem Imaam had **not** yet completed the four-Rakaah salaah when the time for the salaah expired. If a Musaafir joined the Jamaa'ah only after the time had expired, his salaah will **not** be valid. He will have to repeat the salaah even though he completed it with the Imaam. [Shaami Vol. 1 Pg. 585]

A Musaafir Nullified his Salaah while Following a Muqeem Imaam

A Musaafir started following a Muqeem Imaam and then nullified his salaah by making Salaam after two Rakaahs or in any other way. If he repeats the salaah alone or behind a Musaafir Imaam, he will perform two Rakaahs. Although four Rakaahs became compulsory on him when he began following the Muqeem Imaam, his following of the Imaam terminated when he nullified the salaah. However, if he has to follow a Muqeem Imaam again, four Rakaahs will again become binding on him. [Shaami Vol. 1 Pg. 584]

A Musaafir Nullified the Nafl Salaah in which he was Following a Muqeem Imaam

A Muqeem was performing four Rakaahs Fardh when a Musaafir joined him with the intention of Nafl because he had already performed the Fardh. If the Musaafir now nullifies his salaah, it will be necessary for him to repeat four Rakaahs as Qadhaa. [Ibid]

When Should a Musaafir Imaam Announce that he is a Musaafir?

If an Imaam is a Musaafir, then either before the salaah or immediately after he makes Salaam it is Mustahab for him to announce to the Muqtadis that he is a Musaafir and that the Muqeems should complete four Rakaahs on their own. This is necessary so that the Muqtadis do **not** think that their Imaam mistakenly made Salaam after two Rakaahs and start to correct him, thus nullifying their salaah. [Kabeeri Pg. 543]

How should the Muqeem Muqtadi Complete his Salaah behind a Musaafir Imaam?

When the Imaam is a Musaafir and the Muqtadi is a Muqeem, the Muqtadi will **not** make Salaam when the Imaam does. Instead, he should stand up and complete the two remaining Rakaahs. However, he must **not** read any Qiraa'ah in the two Rakaahs, but should merely stand quietly for the duration of Surah Faatiha or a minimum duration in which a person can recite "Subhaanallaah" thrice. If he does recite Qiraa'ah, he will **not** have to perform Sajdah Sahw although he will be guilty of committing a Makrooh act. [Aalamgeeri Vol. 1 Pg. 142]

How will a Muqeem Masbooq Complete his Missed Rakaahs behind a Musaafir Imaam?

The Imaam is a Musaafir while the Muqtadi is a Muqeem who missed one Rakaah behind the Imaam (because he missed a Rakaah, he is termed a Masbooq). After the Imaam makes the Salaam to terminate the salaah, the Masbooq will stand up to first complete the missed Rakaah. He will therefore recite the Thanaa, Ta'awwudh, Tasmiya, Surah Faatiha as well as a Surah in that Rakaah. Thereafter, he will sit for the Qa'da and get up again to complete the two outstanding Rakaahs, reciting only Surah Faatiha in both Rakaahs.

If he missed both Rakaahs behind the Imaam, he will first complete the two missed Rakaahs. In the first two Rakaahs, he will recite the Thanaa, Ta'awwudh, Tasmiya, Surah Faatiha as well as a Surah. After the Qa'da, he will get up again to complete the remaining two Rakaahs, reciting only Surah Faatiha in both. [Kabeeri Pg. 543]

Note: The senior scholars differ with regard to the Qiraa'ah that a Muqeem Masbooq should recite in the remaining Rakaahs. The details of this can be referred to in the footnotes of Imdaadul Fataawa (Vol. 1 Pgs. 515 to 517]

How will a Masbooq Musaafir complete his Missed Rakaahs behind a Muqeem Imaam?

If a Musaafir joined a Muqeem Imaam after one, two, three or four Rakaahs were over, he should complete the missed Rakaahs just as a Muqeem Masbooq would complete his missed Rakaahs behind a Muqeem Imaam. Therefore, if he missed the first Rakaah and the second Rakaah or only the second Rakaah, he will stand up and recite Thanaa, Ta'awwudh, Tasmiya, Surah Faatiha as well as a Surah and then complete the one or two Rakaahs. If he missed the third and/or fourth Rakaahs as well, he will only recite Surah Faatiha in these (third and fourth) Rakaahs. [Ibid – Durr – Vol 1 P 443]

What do the Muqtadis do when the Musaafir Imaam stands up after Qa'da Ula?

It is Waajib for the Musaafir Imaam to make Salaam after the Qa'da Ula. However, if the Imaam mistakenly stood up after he Qa'da Ula, the

Muqtadis (who are Muqeems) should **not** stand up with him. They should remain sitting and wait for him to sit. If he sits down before completing the third Rakaah and makes Sajdah Sahw, they should make the Sajdah Sahw with him and complete their remaining Rakaahs after he makes Salaam. However, if the Imaam does **not** sit down and he goes on to make the Sajdah of the third Rakaah, the Muqtadis should stand up and complete their remaining Rakaahs. They must **not** follow the Imaam because if they do, their salaah will be nullified. [Ahsanul Fataawaa Vol. 3 Pg. 317 – Alaamgiri Vol 1 P 92]

The Salaah of Muqeem Muqtadis will be Nullified if their Musaafir Imaam Performs Four Rakaahs

If a Musaafir Imaam performs four Rakaahs either deliberately or mistakenly and he did sit for the Qa'da Ula, his Fardh will be valid on condition that he performed Sajdah Sahw in the case where the action was by mistake. However, if he failed to make Sajdah Sahw, it will be Waajib for him to repeat the salaah. His salaah will have to be repeated if his action was deliberate, even though he may have performed Sajdah Sahw.

As far as the Muqeem Muqtadis are concerned, their salaah will be invalid. This is because the third and fourth Rakaahs of the Imaam was Nafl while theirs was Fardh, and it is **not** correct for a person performing a Fardh to follow someone who is performing a Nafl. They will therefore have to repeat their salaah.

If the Musaafir Imaam omitted the Qa'da Ula, his salaah will be invalid because the Qa'da Ula is Fardh for him and salaah cannot be valid without any Fardh act. [Durrul Mukhtaar Vol. 1 Pg. 443 – Alaamgiri Vol 1 P 92]

A Muqeem is Allowed to follow a Musaafir Imaam in Qadhaa Salaah

A Muqeem and a Musaafir missed a salaah and wish to perform the Qadhaa in Jamaa'ah. It will be permissible for the Muqeem to follow the Musaafir in any salaah. Therefore, after the Imaam has completed two Rakaahs of a four Rakaah salaah, the Muqeem Muqtadi should stand up to complete the remaining Rakaahs. (Shaami Vol 1 P 584)

The Qiraa'ah of a Muqeem Muqtadi

After the Musaafir Imaam has made the Salaam, the Muqeem Muqtadi will stand up to complete the remaining Rakaahs. However, he will **not** recite any Qiraa'ah in these Rakaahs but will stand silent for that duration that it takes to recite Surah Faatiha or at least "Subhaanallaah" thrice. If he does recite Qiraa'ah, it will **not** be necessary to perform Sajdah Sahw.

The situation with a Masbooq will vary. When the Muqeem Masbooq gets up to complete the missed Rakaahs, he will recite Thanaa, Ta'awwudh, Tasmiya, Surah Faatiha as well as a Surah. In the remaining two Rakaahs, he will only recite Surah Faatiha. Refer to the footnotes of Imdaadul Fataawaa on pages 515 to 517 of volume 1 for details.

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Injunctions Pertaining to Sajdah Sahw

The Musaafir Stood up after Qa'da

The Musaafir performed the Qa'da but stood up afterwards. This situation can assume the following forms:

A) His knees were **not** yet off the ground or (if they were off the ground), he had **not** yet stood up straight and was in a position between sitting and standing (but closer to sitting). If he was in any of these positions when he recalled that he was supposed to sit, he should sit down immediately. In this case, he will **not** have to perform Sajdah Sahw.

B) If he was closer to the standing position or he had already stood up straight and had **not** yet performed the Sajdah when he recalled that he was supposed to sit, he should sit down immediately. This will apply even if he got as far as making Ruku. When he sits, he should **not** recite the Tashahhud, but make Salaam towards the right only and then make the two Sajdahs of Sajdah Sahw. Thereafter, the salaah is to be completed as usual.

C) If he only recalled after performing the Sajdah of the third Rakaah, he should add a fourth Rakaah, perform Sajdah Sahw as normal and compete the salaah. The first two Rakaahs will be regarded as Fardh and the second two as Nafl.

If the Musaafir failed to perform Sajdah Sahw in the first two situations (A and B), it will be Waajib (compulsory for him to repeat the salaah). [Shaami Vol. 1 Pg. 553]

The Musaafir Muqtadi stood up by Mistake

A Musaafir joined a Musaafir Imaam from the beginning of the salaah. When the Imaam terminated the salaah by making Salaam, the Musaafir Muqtadi stood up thinking that he had missed a Rakaah. If he realised his error before performing the Sajdah of the third Rakaah, he should sit immediately and perform Sajdah Sahw. If he only realised after performing the Sajdah, he should add a fourth Rakaah and also

perform Sajdah Sahw. Two Rakaahs will be regarded as Fardh and the second two as Nafl. [Ibid]

Should Sajdah Sahw be made when the Musaafir's Fardh becomes Nafl?

Qa'da Ula is Fardh for the Musaafir. If he fails to sit for the Qa'da Ula and stands up from Sajdah to perform the third and fourth Rakaahs, all four Rakaahs will be regarded as Nafl. However, Sajdah Sahw will **not** be Waajib for him. [Shaami Vol. 1 Pg. 552]

A Masbooq Musaafir gets up before the Imaam can Perform Sajdah Sahw

A Masbooq Musaafir was nor aware that the Imaam had erred in the salaah and required to perform Sajdah Sahw. When the Imaam made the one Salaam before the Sajdah Sahw, the Masbooq Musaafir stood up to complete his missed Rakaahs. As long as the Masbooq does **not** perform Sajdah, he may sit down and join the Imaam. However, it is best that he continues and performs Sajdah Sahw on his own at the end of his salaah. The same will apply if the Muqtadi stood up when the Imaam forgot to make the Sajdah Sahw, made both Salaams as usual and only performed the Sajdah Sahw afterwards when he remembered.

If the Muqtadi had already performed Sajdah in both the above cases, he cannot join the Imaam, but has to perform the Sajdah Sahw on his own at the end of his salaah. If he did join the Imaam in the Sajdah Sahw, his salaah will be invalid. [Aalamgeeri Pg. 128]

The Sajdah Sahw of a Musaafir Imaam is also Binding on a Muqeem Muqtadi

If a Musaafir Imaam requires to perform Sajdah Sahw, the Muqeem Muqtadis following him will also have to follow suit. Therefore, if the Muqtadis stand up after the first Salaam of the Imaam thinking that he is terminating the salaah, they will have to sit down again and join him in the Sajdah Sahw. Otherwise, they should perform the Sajdah Sahw at the end of their salaah. In every case, the Sajdah Sahw will **not** be waived. [Shaami Vol. 1 Pg. 550]

The Muqtadi made an Error in Salaah after Performing Sajdah Sahw behind the Imaam

The Muqtadi performed Sajdah Sahw behind the Imaam but erred while performing his missed Rakaahs. He will have to perform Sajdah Sahw again. [Shaami Vol. 1 Pg. 449]

A Muqeem Muqtadi made an Error while Performing his Missed Rakaahs

A Muqeem Muqtadi was following a Musaafir Imaam. When he stood up to complete his two Rakaahs, he made an error which necessitates Sajdah Sahw. It will therefore be Waajib for him to perform the Sajdah Sahw at the end of his salaah. [Shaami Vol. 1 Pg. 505]

A Musaafir Masbooq Erred in the Rakaahs that he was Completing

A Musaafir Masbooq will have to perform Sajdah Sahw if he makes an error in the Rakaahs he is completing. [Ibid]

A Muqeem Muqtadi did not Perform Sajdah Sahw with the Musaafir Imaam and then made an error in the Rakaahs he was Completing

A Musaafir Imaam made Sajdah Sahw at the end of his salaah, but the Muqeem Muqtadi did **not** follow him and got up to complete his salaah. In the Rakaahs that he was completing, the Muqtadi made an error necessitating Sajdah Sahw. The Sajdah Sahw he makes at the end of his salaah will suffice for both his and the Imaam's errors. [Shaami Vol. 1 Pg. 549]

A Muqeem Muqtadi made Salaam with the Musaafir Imaam

When the Musaafir Imaam makes Salaam, it is incorrect for the Muqeem Muqtadi to follow suit. If the Muqeem Muqtadi made one Salaam simultaneously with the Imaam or before the Imaam and then realised his error, he will **not** have to perform Sajdah Sahw at the end

of his salaah. However, if his Salaam was after the Salaam of the Imaam, he will have to perform Sajdah Sahw because people usually make their Salaam after the Imaam. [Ibid]

The Muqeem Muqtadi made Salaam when the Musaafir Imaam made Salaam for Sajdah Sahw

A Muqeem Muqtadi was a Masbooq behind a Musaafir Imaam. Just as it is incorrect for any Masbooq to make the one Salaam of Sajdah Sahw with the Imaam, it is also incorrect for the Muqeem Muqtadi to do so. Therefore, if the Muqeem Muqtadi intentionally made the one Salaam with the Imaam thinking that he has to do what the Imaam does, his salaah will be invalid. He will have to repeat the salaah. However, if he made the Salaam mistakenly, his salaah will still be valid on condition that he makes Sajdah Sahw at the end of his salaah. [Shaami Vol. 1 Pg. 541]

When the Musaafir Masbooq makes Salaam with the Imaam

If the Musaafir Masbooq made the Salaam in such a manner that the "Meem" ("mm" sound at the end) of the word "As-Salaam" was uttered simultaneously by both Imaam and Masbooq, then Sajdah Sahw will **not** be binding. However, if the Masbooq said the "Meem" after the Imaam, Sajdah Sahw will be necessary.

Note: Since the Muqtadi usually says the Salaam after the Imaam, Sajdah Sahw will be almost always Waajib. [Shaami Vol. 1 Pg. 549]

Will Sajdah Sahw be Necessary if a Muqeem Muqtadi Recited a Surah in the Remaining Two Rakaahs

After the Musaafir Imaam completed the two Rakaahs Fardh, the Muqeem Muqtadi stood up to perform the remaining two Rakaahs. Although he should **not** recite any Qiraa'ah in these two Rakaahs, Sajdah Sahw will **not** be binding if he does. [Al Bidaaya wan Nihaaya Vol. 1 Pg. 142 – Alaamgiri Vol 1 P 130]

A Musaafir decided to be a Muqeem after performing Sajdah Sahw

A Musaafir performed Sajdah Sahw and then decided to become a Muqeem before completing the salaah. In this case, he should stand up to complete four Rakaahs and perform Sajdah Sahw at the end. [Aalamgeeri Vol. 1 Pg. 130]

A Musaafir did not Recite any Qiraa'ah

It is Fardh for a Musaafir to recite Qiraa'ah in the first two Rakaahs of his salaah. If he omits the Qiraa'ah in any one or both of these Rakaahs, his salaah will be nullified and Sajdah Sahw will **not** compensate for the missed Qiraa'ah. In a like manner, Sajdah Sahw will **not** compensate if he omitted the Qiraa'ah in one of the first two Rakaahs and then recited it in the third or fourth Rakaah. [Kabeeri Pg. 272]

How many Sajdahs are Necessary when an Aayah (verse) of Sajdah is repeated while on a Conveyance

While travelling, a Musaafir repeatedly recited an Aayah (Qur'aanic verse) of Sajdah. This can assume various forms:

- If he recited the verse in salaah while riding an animal, one Sajdah will suffice.
- If he was **not** performing salaah but was repeating the verse as he rode an animal, several Sajdahs will be Waajib when the animal is moving.
- If the Aayah is repeated while travelling on a land vehicle like a train or a bus, or a sea vessel, one Sajdah will suffice. The same applies to an aeroplane. [Durrul Mukhtaar Vol. 1 Pg. 575]

It is Mustahab to perform Sajdah Shukr after Returning from a Journey

Returning safely and easily from a journey is a great bounty from Allaah which every person appreciates. It is therefore Mustahab that a

person performs Sajdah Shukr (a Sajdah of gratitude) upon return. [Aalamgeeri Vol. 1 Pg. 136]

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Injunctions Pertaining to Jumu'ah

What will happen when person has Undertake a Journey just before the Jumu'ah Salaah?

It is Makrooh to undertake a journey after Zawaal (when the sun has just passed its meridian) on a Friday. However, the Jumu'ah salaah will **not** be Waajib on a person if he is forced to leave after Zawaal on the day of Jumu'ah. This may occur when he fears losing a very important objective which cannot be recovered if he has to leave after the Jumu'ah salaah. Another factor that may neccesitate his leaving before the Jumu'ah salaah will be if he fears that he may miss his train, flight, ship, etc or that he may miss his travelling companions, which will cause him great distress thereafter. [Shaami Vol. 1 Pg. 608]

Can the Jumu'ah or Eid Salaah be Performed on a Ship?

There are several conditions applicable for the validity of Jumu'ah salaah and the two Eid salaahs. One of these conditions is that the place where the salaah is performed should be a town. It is therefore **not** permissible to perform the Jumu'ah or Eid salaah on a ship. Zuhr salaah with Jamaa'ah may well be performed. [Fataawaa Mahmoodiyya Vol. 14 Pg. 226 – Alaamgiri Vol 1 P 145]

Is the Jumu'ah Salaah Fardh for a Musaafir when he is in a City?

The Jumu'ah salaah is **not** Fardh on a Musaafir. Like ordinary days, only the Zuhr salaah is Fardh for him. Therefore, if a Musaafir has to stay in any place for a period less than fourteen days, the Jumu'ah salaah will **not** be Fardh on him. However, it is best that he performs the Jumu'ah salaah so that he may attain the rewards and virtues of the Jumu'ah salaah. if he does perform the Jumu'ah salaah, his salaah will be regarded as Fardh and **not** Nafl. Therefore, the obligation of Zuhr will be discharged when he performs the Jumu'ah salaah. However, if he decides to stay fifteen or more days in a town, the Jumu'ah salaah will be Fardh for him just like the people of the town.

He will then be guilty of a major sin if he does **not** perform the Jumu’ah salaah. [Bahrur Raa'iq Vol. 2 Pg. 140]

Can a Musaafir be the Imaam for the Jumu’ah Salaah?

Although the Jumu’ah salaah is **not** Fardh for a Musaafir, it will be regarded as Fardh when he performs it. Therefore, just as a Musaafir is allowed to perform the Jumu’ah salaah, he is also allowed to lead the salaah as an Imaam. [Shaami Vol. 1 Pg. 605]

Can a Group of Musaafirs perform the Jumu’ah Salaah in Congregation?

If a group of only Musaafirs (i.e. without any Muqeems with them) perform the Jumu’ah salaah in Jamaa’ah in a Masjid, the salaah will be valid. {Maa Laa Budda Minhu Pg. 56 – Shaami Vol 1 P 200]

A Group of Musaafirs Performed the Jumu’ah Salaah in a Place where the Jumu’ah Salaah is not Valid?

With the intention of performing the Jumu’ah salaah, a group of Musaafirs performed their salaah in a place where the Jumu’ah salaah is **not** valid, thinking that the number of Rakaahs performed in the Jumu’ah salaah is the same as the Qasr salaah that they need to perform. In this case, no salaah will be valid and they will have to repeat their salaah of two Rakaahs with the intention of Zuhr. [Mabsoot Vol. 1 Pg. 293]

What will be the Case when a Musaafir Joined the Jumu’ah Salaah and then his Salaah was Nullified?

A Musaafir joined the Jamaa’ah for the Jumu’ah salaah. During the salaah, his salaah was nullified on some account and he was unable to join the Jamaa’ah again. He will now have to perform two Rakaahs of Zuhr.

If the salaah of the Muqeem Imaam leading the Jumu'ah salaah was nullified, the Jumu'ah salaah will have to be repeated if time permits. If the time for Jumu'ah salaah has expired, a Muqeem will have to perform four Rakaahs of Zuhr and a Musaafir will have to perform two Rakaahs of Zuhr. [Mabsoot Vol. 1 Pg. 389]

Will the Zuhr Salaah of a Musaafir be Invalid if he Performs the Jumu'ah Salaah thereafter?

A Musaafir performed his Zuhr salaah and then proceeded to a Masjid to perform the Jumu'ah salaah. With regard to the validity of his Zuhr salaah, the details are as follows:

A) If he managed to join the Jamaa'ah for the Jumu'ah salaah, his Zuhr salaah will be nullified.
B) If the Imaam completed the Jumu'ah salaah before the Musaafir left or just as he leaving, his Zuhr salaah will **not** be nullified.
C) If the Imaam completed the Jumu'ah salaah as the Musaafir was on his way to the Masjid, his Zuhr salaah will still **not** be nullified according to Imaam Muhammad (A.R) and Imaam Abu Yusuf (A.R).
D) If the Imaam had **not** yet completed the salaah when the Musaafir left for the Masjid, but the Musaafir fears that the salaah will be over before he reaches, his Zuhr salaah will be nullified.
E) If someone performed Zuhr salaah in a Masjid and then the Jumu'ah salaah commenced in that very Masjid, his Zuhr salaah will **not** be nullified until he joins the Jumu'ah salaah.[Aalamgeeri Vol. 1 Pg. 149]

Note: In the above cases where the Zuhr salaah is nullified, it will have to be repeated and the first Zuhr will be regarded as Nafl.

When should a Musaafir Perform his Zuhr Salaah on a Friday?

If a Musaafir cannot join the Jumu'ah salaah, is is Mustahab for him to perform his Zuhr salaah as soon as the Jumu'ah salaah is over. It is Makrooh Tanzeehi to perform his Zuhr salaah before this. However, there will be no harm done if the Musaafir is forced to perform his Zuhr salaah before this if he fears that by delaying the salaah he will miss

the salaah completely or he will be faced with some sort of difficulty. [Aalamgeeri Vol. 1 Pg. 148]

It is Makrooh Tahreemi to perform Zuhr Salaah with Jamaa’ah in a Place where Jumu’ah can be Performed

In a town where the Jumu’ah salaah is performed, it is Makrooh Tahreemi for Musaafirs or anyone else to perform Zuhr salaah in Jamaa’ah either before or after the Jumu’ah salaah. If Zuhr salaah has to be performed in such a place, it has to be performed individually. [Shaami Vol. 1 Pg. 640]

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Injunctions Pertaining to Qadhaa Salaah

Is one Allowed to Miss Salaah while on a Journey?

One is **not** allowed to miss one's salaah when fighting an enemy on the battlefield and it is for this reason that Salaatul Khawf [18] has been described in the Qur'aan. If one is **not** allowed to miss salaah in such a critical situation, how can it be permissible to miss salaah for the mere reason of a journey? Hadhrat Maulana Yusuf Ludhyaanwi (A.R) has mentioned, "Even some people who are very particular about their salaah, tend to miss salaah when travelling. They excuse themselves by saying that it is **not** possible to perform salaah in the rush and crowds. This is an exceptionally lame excuse. Although it is also extremely inconvenient to eat, drink and to fulfil other necessities in a crowded train, people ensure that these are fulfilled at all costs. If a person musters some courage, even non-Muslims will be ready to make space for him to perform his salaah. The greatest tragedy is that some people do **not** care to perform their salaah even on the auspicious journey of Hajj. When travelling to fulfil one Fardh act of Hajj, they are forsaking five Fardh acts daily! People travelling for Hajj should be especially conscious of their salaah and should make every effort **not** to miss a single salaah in Jamaa'ah. In fact, they should even try to call out the Adhaan, the Iqaamah and perform salaah in Jamaa'ah in trains." [Aap ke Masaa'il awr un kaa hal Vol. 2 Pg. 389; Fataawaa Daarul Uloom Vol. 1 Pg. 256]

How many Rakaahs of Qadhaa should be Performed at home for a salaah that was Missed while Travelling?

A Musaafir missed a salaah while travelling and only got the opportunity to perform the Qadhaa after returning home or when he

[18] This is a method of performing the Fardh salaah in a situation where the Muslim army is at risk of being attacked if they all perform the Fardh salaah collectively.

became a Muqeem at a place. In this case, he will only perform two Rakaahs as Qadhaa. [Kabeeri Pg. 544]

How many Rakaahs of Qadhaa should be Performed on Journey for a salaah that was Missed while at Home?

When travelling, if a Musaafir wants to perform Qadhaa of a salaah that he missed at home, he will perform four Rakaahs. It is **not** permissible for him to perform Qasr. [Ibid]

Is it Waajib to Perform Qadhaa in Sequence when Travelling?

It is only necessary to perform Qadhaa salaah in sequence when a person is "Saahibut Tarteeb". The Saahibut Tarteeb is a person who has **not** missed six consecutive salaahs since he came of age. Therefore, if a person missed six consecutive salaahs at any time, he will **not** be regarded as Saahibut Tarteeb even though he may have performed the Qadhaa of these salaahs. Therefore, if a person is a Saahibut Tarteeb, it will be Waajib for him to perform his Qadhaa in sequence if he misses less than six salaahs when on a journey. If a person is **not** a Saahibut Tarteeb, it will **not** be Waajib for him to perform his Qadhaa in sequence. However, it will be best if he does perform them in sequence. [Shaami Vol. 1 Pg. 536]

Will Qadhaa be Necessary when a Musaafir becomes a Murtad while Travelling and then returns to Islaam?

While travelling, if any Muslim (Allaah forbid!) becomes a Murtad (i.e. he renounces Islaam) and thereafter Allaah inspires him to return to Islaam, he will **not** have to perform Qadhaa salaah for the salaahs he missed while he was a kaafir. However, he will have to perform Qadhaa of all the salaahs he missed before he renounced Islaam. [Shaami Vol. 1 Pg. 544]

Should a Musaafir first Perform his Asr or his Maghrib at the Time of Maghrib?

A Musaafir missed his Asr salaah and reached a Masjid as the Jamaa'ah was about to perform the Maghrib salaah. If he Saahibut Tarteeb, he will first have to perform his Asr salaah even though this means missing the Maghrib in Jamaa'ah. Performing salaah in Jamaa'ah does **not** waive the necessity of performing the Qadhaa salaah in sequence. If the Musaafir is **not** Saahibut Tarteeb, he should first join the Maghrib Jamaa'ah, perform the Sunnah salaah of Maghrib and then perform the Qadhaa of Asr. [Ibid]

Should the Jumu'ah salaah Precede Qadhaa when one Fears Missing the Jumu'ah Salaah?

A Musaafir missed his Fajr salaah and had **not** yet performed the Qadhaa when, at the time of the Jumu'ah salaah, he reached home or reached a place where he decided to stay for fifteen or more days. If he is Saahibut Tarteeb, he should now first perform Qadhaa of his Fajr salaah even though he has to miss the Jumu'ah Jamaa'ah. If he misses the Jumu'ah salaah, he should perform Zuhr afterwards. If he is **not** Saahibut Tarteeb, he should join the Jumu'ah Jamaa'ah first and the Qadhaa of Fajr. [Ahsanul Fataawaa Pg. 22; Shaami Vol. 1 Pg. 537]

Can a Musaafir Terminate his Intention for Salaah if he Fears losing his Transport?

A Musaafir began his salaah when his train blew its whistle to leave the station. It is permissible for the Musaafir to terminate his salaah and board the train if he will be put to difficulty by missing the train. [Shaami Vol. 1 Pg. 484]

Missing Salaah when one Fears that he will Lose his Transport

The time for a salaah is about to expire and a Musaafir has **not** yet performed his salaah. He now fears that he will lose his transport if he has to perform his salaah and he has to travel at that time. In this exigency he may delay his salaah. [Shaami Vol. 1 Pg. 534]

What should the Value of One's Goods be Before one is Allowed to Break One's Salaah to Save it from Thieves?

A Musaafir need **not** travel immediately and still has time. After leaving his goods in the bus, he starts performing salaah outside. As he is performing salaah, the bus starts to leave. In this case he is allowed to break his salaah and board the bus if his goods are worth one Dirham or more (1 Dirham is equal to approximately 3,402g of silver). [Imdaadul Fataawaa Vol. 1 Pg. 564 – Shaami Vol 1 P 484]

Is it Necessary to perform Qadhaa of Witr Salaah?

The Witr salaah is Waajib both when travelling and when **not** travelling. It is therefore Waajib to perform Qadhaa of the Witr salaah whether it is missed while travelling or when at home. [Shaami Vol. 1 Pg. 492]

Has Many Rakaahs Qadhaa have to be Performed when the Musaafir Returns Home before Travelling the Distance of Safar?

A person left home with the intention of travelling the distance of Safar (88,864km or more). However, he had **not** yet travelled 88,864km when he decided to postpone the journey and return home. The Qadhaa of whatever salaahs he missed on the way before returning will have to be performed as Qasr. However, if he missed any salaahs on the return journey, the Qadhaa of these will have to be performed in full. [Shaami Vol. 1 Pg. 579]

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Injunctions Pertaining to Performing Salaah Aboard One's Means of Transport

Salaah on Board an Aeroplane

The senior Ulema differ in their opinions regarding the validity of salaah performed aboard a plane while it is airborne. It is therefore best if one does **not** perform salaah on board if one feels that he will be able to perform his salaah when the plane lands. In this case, if one does perform one's salaah on board the plane, Hadhrat Mufti Abdur Raheem Laajpuri (A.R) states that it is best for one to repeat the salaah after landing, although repitition is **not** incumbent. Repetition of salaah will **not** be necessary for people who travel often by air and those who work on airlines because repeatig every salaah will be extremely difficult for them. [Fataawaa Raheemiyya Vol. 7 Pg. 361]

In the footnotes of Imdaadul Fataawaa, Hadhrat Mufti Sa'eed Palanpuri has replied to all the proofs of those who claim that salaah in the air is **not** permissible. He also states that there will be absolutely no need to repeat a salaah performed in the air when a person is able to stand, perform Ruku and Sajdah properly and face the Qibla. [Imdaadul Fataawaa Vol. 1 Pg. 587; Kitaabul Fiqh alaa Madhaahibil Arba'a Vol. 1 Pg. 206 – Shaami Vol 1 P 89]

Salaah aboard a Marine Vessel

While a ship or boat is moving, it is permissible to perform salaah sitting down even without an excuse. However, it is best to perform the salaah standing up. When the ship is stationary, one of the following two situations will apply:

- ❖ If the hull of the ship is resting on the ground, salaah aboard the ship will be valid on condition that one is standing.
- ❖ If the hull is **not** resting on the ground, it is **not** permissible to perform salaah on board when one is able to disembark. [Shaami Vol. 1 Pg. 89]

Salaah on an Ox-cart

When the weight of the cart is resting on the ox, it is **not** permissible to perform any Fardh, Waajib or Sunnah Mu'akkadah salaah on the cart without an excuse. If it is possible to alight from the cart, but with great difficulty, it is permissible to perform salaah on the cart on condition that the person is able to stand, face the Qibla and perform Ruku and Sajdah properly. If these conditions are impossible or very difficult because of valid reasons, a person will be allowed to perform their salaah on the cart.

If the cart is such that the weight of the cart does **not** rest on the animal e.g. a camel-drawn cart, then it is permissible to perform salaah on the cart in all situations on condition that the person faces the Qibla, stand and performs Ruku and Sajdah properly. [Ahsanul Fataawaa Vol. 4 Pg. 88 – Bahr Vol 2 P65]

Salaah on an Animal

When the time for salaah begins as a person is travelling on his animal, he will have to dismount to perform his Fardh, Waajib or Sunnah salaahs. Salaah will **not** be valid if he does **not** dismount without a valid excuse. Performing salaah while mounted on an animal will only be valid when the person has a valid excuse. Excuses valid in terms of the Shari'ah include:

❖ The fear that the animal will run away if he dismounts.
❖ He has a certain fear that he will be attacked by an enemy or a wild animal if he dismounts.
❖ He fears losing his travelling companions.
❖ He is so weak that he cannot mount the animal without help and there is none to assist him.
❖ The ground is so wet that it is impossible to perform salaah on it.
❖ He fears that if he dismounts, he will be delayed to the extent that he will have to spend the night at a place where his life, wealth or honour will be jeopardised.

When faced by any of the above circumstances, a person can even perform Fardh, Waajib and Sunnah Mu'akkadah salaahs while still mounted on his animal. However, the condition attached to the validity of salaah in all the above circumstances is that the animal has to be stopped and made to face the Qibla.

If it is **not** possible to face the Qibla, but only possible to stop the animal, the animal should be stopped. On the other hand, if it is only

possible to face the Qibla and **not** possible to stop the animal, the animal should be stopped. If, despite one's greatest efforts, it is impossible to face the Qibla and also impossible to stop the animal, salaah may be performed in whatever direction possible. [Badaa'ius Sanaa'i Vol. 1 Pg. 108]

Nafl Salaah on an Animal

In comparison to Fardh and Waajib salaah, the conditions applicable to performing Nafl salaah on an animal, bus, car, etc are much easier. If a person has to leave the boundaries of a town for any reason, he may perform Nafl salaah aboard the conveyance even without an excuse and without facing the Qibla. He may face whichever direction the conveyance is facing. However, it is preferable to face the Qibla. [Dars Tirmidhi Vol. 2 Pg. 126 – Badai Vol 1 P 108]

The method of Performing Salaah on an Animal or in a Car

Just as one is sitting on the animal, one should formulate one's intention and begin the salaah, reciting the Qiraa'ah as normal. Ruku and Sajdah should be made by bending forward, the bending for Sajdah being lower than the bending for Ruku. However, the head should **not** be placed on anything when making Sajdah, irrespective of whether the animal is walking or standing still. If the head is placed on something during Sajdah, the Sajdah will be valid but the act is Makrooh. [Kabeeri Pg. 272]

The Method of Performing Salaah on a Train or a Bus

A) It is permissible to perform salaah on a train or on a bus irrespective of whether the train or bus is moving or stationary. This applies to Fardh, Waajib, Sunnah and Nafl salaah even though one does **not** have an excuse. However, the conditions attached to the validity of such a salaah are that the person stands and that he faces the Qibla. Salaah will be invalid if any of these two conditions are **not** met without an exigency.

B) If the crowd is so much that one cannot stand for salaah or face the Qibla, one may stand between two seats, recite the appropriate

Qiraa'ah and make Ruku properly. One may then sit on the seat behind one and make Sajdah on the seat in front with the feet still down. In this case, the knees will **not** be resting against anything while in Sajdah. Placing the knees on something is **not** a Fardh of Sajdah and salaah will be valid when one is forced to keep them off the ground for some reason. This method of performing salaah is only possible when one is able to face the Qibla in this way. Otherwise, one may perform salaah standing between the two seats in a manner that one's body will be parallel to the seats when in Sajdah. (Kaaberi P 272)

C) If the above situations are also **not** possible when (for example) the crowd is excessive or the station is wet because of rains and it is **not** possible for one to spread out his Musallah (prayer mat) because of the traffic, one may perform his salaah sitting down facing whichever direction is possible. [Ahsanul Fataawaa Vol. 4 Pg. 88]

Salaah is not Valid when one Sits and Performs it without an Excuse

Some people perform their salaah sitting on a seat even though they are able to perform salaah standing. Such a salaah is invalid. [Fataawaa Mahmoodiyya Vol. 14 Pg. 229; Imdaadul Fataawaa Vol. 1 Pg. 568]

Salaah on a Bench or a Seat

One should place a clean cloth on a train seat or a bench at a station when performing salaah on these. This is necessary because it often occurs that children urinate on them and the urine dries there without being washed off. Caution would therefore demand that one places a clean cloth or sheet on these seats before performing salaah on them.

Salaah on an Impure Plastic

Will salaah be valid when it is performed on a plastic sheet that is impure on one edge or when it is placed on an area that is impure? The details concerning this situation is that when a portion of something is impure and the impurity cannot spread to the other parts of the same thing, it is permissible to perform salaah on the portion that is pure.

Salaah is also permissible on a plastic sheet that is placed on an impure surface even though the plastic sheet may be so thin that the impurity is visible through it.

However, if a thin cloth is spread on any impure area and the odour of the impurity can be smelt from the top of the cloth, the salaah will **not** be valid. [Shaami Vol. 1 Pg. 586]

Performing Salaah with a Picture in Front

Nowadays, stations and numerous other places have many large pictures displayed everywhere. It is Makrooh to perform salaah in a place where pictures are displayed in front of the Musallah, above, on the right and on the left. A Musaafir should therefore make an effort to perform his salaah in a place where he will **not** be surrounded by pictures. If he neglected to look for a suitable place, his salaah will be Makrooh. [Shaami Vol. 1 Pg. 479]

A Musaafir can Face a Sleeping Person when Performing Salaah

It often occurs that people are sleeping or lying down in a train or at station when a Musaafir wants to perform his salaah. In either case, it is permissible for the Musaafir to face these people when performing his salaah. However, if the sleeping person's face is facing towards the Musaafir, this will be Makrooh. It will **not** be Makrooh if the sleeping person's face is covered with a sheet. [Shaami Vol. 1 Pg. 482]

When a Musaafir Watches his Goods from the Corners of his Eyes While Performing Salaah

It is Makrooh to look at something from the corners of one's eyes while performing salaah. However, if a Musaafir fears for the safety of his goods and his salaah will be affected by this concern, it will **not** be Makrooh for him to keep a watch on his goods from the corner of his eyes. This is because his heart will be at ease and he will be able to concentrate on his salaah. [Shaami Vol. 1 Pg. 475]

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Injunctions Pertaining to the Janaazah Salaah

Is the Janaazah Salaah Waajib for a Musaafir

Because the Janaazah salaah is Fardh alal Kifaayah[19], the Musaafir is **not** obliged to perform it. However, it will be best if he does. If the Musaafir is unable to perform the Janaazah because of some difficulty or to avoid getting delayed, he will **not** be sinful if there is at least one other person to perform the Janaazah salaah. (Shaami Vol 1 P 640)

When a Person Passes Away at Sea

If a person passes away at sea and there is no fear of his body decaying by the time the ship reaches shore, his body should be taken to shore an buried on land. However, if it is feared that his body will blow up by the time the body reaches the shore, the body should be lowered into the sea after being properly shrouded and after performing the Janaazah salaah. The body should be tied to a rock or any other heavy object before lowering it into the water. [Shaami Vol. 1 Pg. 660]

Can a Spouse Bath the Corpse of his/her Spouse when on a Journey?

Whether a woman passes away at home or on a journey, no man is allowed to bath her. If there are no females available for the task, it will **not** be necessary to bath her corpse. In such a case, Tayammum will be made. If no Mahram is available to make the Tayammum, the husband or any other male may accomplish the task. However, it is necessary that the person making Tayammum should first cover his hands in a cloth. If a man passes away and there are no men to bath his corpse, it will be permissible for his wife to do so. [Shaami Vol. 1 Pg. 633 and 635]

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[19] i.e. An obligation which, if some members of a community discharge it, the rest will be absolved of the responsibility.

It is Fardh to Bath Corpses found in a Flood

If a Muslim drowns in floods or anywhere else, the immersion of his body in the water will **not** suffice as a substitute for Ghusl (a bath) because it is Fardh for the living Muslims to bath the corpse of a dead Muslim. It is necessary for his body to be properly bathed. Although people may perform the Janaazah salaah without bathing the corpse, they will be regarded as sinners for failing to bath the deceased.

However, if the people removing the corpse from the water move the body in the water with the intention of bathing it, this will suffice as a bath. If a person is drowned by a murderer, he will be regarded as a Shaheed (martyr). In keeping with the law applicable to a Shaheed, the martyr will **not** be bathed. [Ahkaame Mayyit Pg. 116, Ahsanul Fataawaa Vol. 4 Pg. 237]

When a Deceased Traveller cannot be Identified as a Muslim

If a corpse is discovered and none can be traced who knows the deceased, neither is it possible to identify whether s/he is a Muslim or **not**, the body will be handed over to the religious group that is in the majority in that particular area for burial. If majority of the people in the area are Muslims, the person will be buried as a Muslim. [Ahkaame Mayyit Pg. 121; Durrul Mukhtaar Vol. 1 Pg. 635]

The Corpses of Muslim and Non-Muslim Travellers are Mixed

Muslims and non-Muslims were travelling together when they all died in an accident or some other disaster. The situation was such that bodies could **not** be recognised and it was impossible to tell whether a person was Muslim or non-Muslim. If recognition is possible by any means whatsoever (whether by means of circumcision, etc), a Muslim should be distinguished likewise and buried formally as a Muslim. If there are no means at all of distinguishing, one of the following two steps may be taken:

❖ If majority were Muslim, all the corpses are to be bathed according to Islaamic rites, shrouded in the Kafan and laid down for the

Janaazah salaah. However, when the Janaazah salaah is performed, the Musallis should make the intention that they are performing the salaah only for the deceased Muslims.

❖ If majority were non-Muslim, the same procedure will be adopted, except that the following three opinions have been cited concerning the place where they will be buried:

(a) All will be buried in a Muslim graveyard.
(b) All will be buried in a non-Muslim graveyard.
(c) They will all be buried in a graveyard of their own. This opinion exercises the most caution. [Durrul Mukhtaar Vol. 1 Pg. 635]

A Musaafir was Crushed Beneath Rubble

If a Musaafir was crushed beneath the rubble of a building, every effort will be made to remove his corpse from the debris. If it is feared that his body will have swelled or burst by the time the body is removed, Janaazah salaah will be performed as close to the body as possible. [Ibid]

When the Corpse has Burst or there is only a Skeleton left

If a corpse is discovered after many days and a foul odour is emanating from it, it should be bathed if it had **not** yet burst open. Janaazah salaah will also be performed. However, if the body had already burst, it will be wrapped in a clean cloth and buried without Ghusl and without Janaazah salaah. The same will apply when only the skeleton of a corpse is found. [Imdaadul Ahkaam Pg. 738; Bahrur Raa'iq Vol. 1 Pg. 128]

Who will Perform the Janaazah Salaah of a Deceased Male when only Women are Present?

A Musaafir was travelling with women when he passed away at a place where there were no Muslim males. In such a situation, the women may perform the Janaazah salaah after Ghusl and Kafan. Each woman should perform the Janaazah salaah individually at the same time, but **not** with Jamaa’ah. However, if they do perform the Janaazah salaah

with Jamaa'ah, it will be correct without being Makrooh. [Aalamgeeri Vol. 1 Pg. 85]

Is it Permissible to Transport the Deceased to Another Place?

It is Mustahab (preferable) for a person to be buried in the area where he passes away. If a person passes away at a place away from his hometown, Ulema are unanimous that the body may be transported to his hometown for burial if the distance is a mere few miles. However, if the distance is more than this, most Ulema state that it is Makrooh to transport the body to the person's hometown. The reasons for this being Makrooh are several, viz.

1. The Ahadeeth emphasise hastening the procedure of preparing the deceased for burial and transporting the body will result in unnecessary delay.
2. Delaying the process of burial could cause the body to start decaying, leading to a foul odour emanating and disfigurement of the corpse.
3. There is the danger of the corpse being mishandled during the journey. The corpse will be handled more vigorously and may have to be preserved in cold storage, all of which will cause unnecessary difficulty to the deceased. Any inconvenience caused to the dead body is forbidden in the Shari'ah.

The book "Ahkaame Mayyit" (Pg. 232) states, "It is best **not** to transport a dead body from one place to another if the distance is less than two miles. If the distance exceeds two miles, it will **not** be permissible at all to transport the body." [Behisti Gohar Pg. 92 – Shaami Vol 1 P 663]

It is not Permissible to Move a Buried Musaafir

The Shari'ah does **not** permit the heirs of a deceased Musaafir to exhume his body so that they may take it to their hometown. [Qaadhi Khan Vol. 1 Pg. 195]

How will a Body be Shrouded and Buried if the Person Passed Away in the State of Ihraam[20]?

If a Musaafir passes away while in the state of Ihraam, he will be shrouded in the Kafan and buried just like any other Muslim would. [Aalamgeeri Vol. 1 Pg. 161]

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[20] This is the state in which many things are forbidden for a person because he intends performing Hajj or Umrah.

Injunctions Pertaining to Shahaadah (Martyrdom)

A Student of Deen Becomes a Shaheed if he Passes Away on his Journey

Because of the importance and virtue of Islaamic knowledge, Allaah accords the status of a Shaheed (martyr) to the person who passes away while acquiring this knowledge or while travelling in search of this knowledge. Although he will enjoy this status in the Aakhirah, he will be shrouded and buried as a normal person. [Durrul Mukhtaar Vol. 1 Pg. 673]

NOTE: Allaama Shaami (A.R) has quoted from Allaama Suyuti (A.R) a list of thirty categories of people who attain the status of Shuhada (plural of Shaheed) in the Hereafter. Allaama Shaami (A.R) has also added a few more to this list. Refer to Shaami (Vol. 1 Pg. 673) for the details.

Passing Away while Travelling for a Sinful Purpose

When a Mu'min passes away while on a journey, he will attain the status of a Shaheed irrespective of whether the purpose of the journey was meritorious or sinful. [Shaami Vol. 1 Pg. 6; Malfoozaat Faqeehul Ummah Vol. 8 Pg. 30]

A Murdered Musaafir Attains the Rank of a Shaheed

If a Musaafir is murdered and passes away instantly, he will be regarded as a Shaheed and will be buried in the clothing he died with without being shrouded in a Kafan and without being bathed. Of course, the Janaazah salaah has to be performed. However, if the Musaafir spoke after being fatally wounded, took medication or was made comfortable in any way before passing away, he will be buried like an ordinary person with Ghusl and Kafan. Nevertheless, he will still

attain the high station of a Shaheed in the Aakhirah (Hereafter). [Shaami Vol. 1 Pg. 670]

A Musaafir is Murdered while Defending his Belongings

Robbers attempted to steal a Musaafir's belongings, but he did **not** allow it to happen and attempted to ward them off. However, he was unsuccessful and they killed him. In this case, he will be buried as a Shaheed (without Ghusl and Kafan), only if he was killed with a weapon generally used to kill, like a knife, a gun, etc. If he is killed in any other way (e.g. with a blow to the head), he will be buried like a normal person. [Ibid]

A Muslim will be a Shaheed if the is Killed in a Battle between Rival Muslim Groups

If a person is wrongfully killed in a battle between warring Muslim groups, the details are as follows:

❖ If he is killed with a weapon generally used to kill and he dies instantly, he will be buried like a Shaheed.
❖ If he is **not** killed with such a weapon or if he dies later after speaking or receiving treatment, he will **not** be buried like a Shaheed although he will attain the status of a Shaheed in the Hereafter.

A Musaafir who Dies in a Bombardment

A Musaafir was passing by a town when an enemy started shelling the town, resulting in his death. In this case, he will be buried like a normal Muslim with Ghusl and Kafan. [Ahsanul Fataawaa Vol. 3 Pg. 225]

A Musaafir who Dies in a Disaster

If a Musaafir passes away in a motor accident, by accidentally falling off a moving vehicle or in any like disaster, he will be regarded as a Shaheed in terms of the Hereafter. However, he will be buries normally with Ghusl and Kafan.

A Musaafir may Console the Bereaved after Three Days

The family of a deceased person will naturally be grieved and sad. As a token of brotherhood, it is befitting of others to share in their sorrows, console them and provide encouragement for them. However, it is contrary to the Sunnah to console them after three days. In fact, it is Makrooh to do so. However, if a person was on a journey and, because of his travels or because he received the news late, could only meet the bereaved after the three-day period, it will still be Sunnah for him to offer his condolences. [Fataawaa Daarul Uloom Vol. 5 Pg. 417 – Shaami Vol 1 P 665]

It is Permissible to travel to a Foreign Land to Visit the Graves of One's Parents

If a person's parents or close relatives are buried in a distant land, he is permitted to visit their graves on condition that his visit conforms to the Sunnah. If he intends to practise any customary rites that contradict the Shari'ah, the journey will be improper because of the sin involved. [Shaami Vol. 1 Pg. 665]

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Injunctions Pertaining to Fasting

Is it Better for a Musaafir to Fast in Ramadhaan or to Omit the Fasts?

If a Musaafir is healthy and strong and will **not** experience excessive difficulty during his journey by fasting, it is best for him to fast in the blessed month of Ramadhaan. However, if the Musaafir is weak or ill, or will experience excessive difficulty by fasting during the journey or fears that his travelling companions will be put into difficulty by fasting, it will be Makrooh for him to fast. [Aalamgeeri Vol. 1 Pg. 201]

Unlike the Case of Salaah, why is it not Waajib for the Musaafir to Practise on the Concession Provided for Fasting?

It is Waajib for a Musaafir to perform Qasr salaah, which is a concession for him. Similarly, he also has the concession of **not** fasting during his travels. Why is it **not** Waajib for him to practise this concession as well?

The reason for Qasr being Waajib is the hadith in which Rasulullaah (sallallaahu-alayhi-wa-sallam) states that Qasr salaah is Allaah's gift to the Musaafir. Rasulullaah (sallallaahu-alayhi-wa-sallam) then instructs Muslims to accept Allaah's gift by performing Qasr when they are Musaafirs. Concerning the concession **not** to fast (which is mentioned in the Qur'aan), Allaah gives the Musaafir a choice. If he is able to fast, he should fast. Highlighting the virtue of fasting when the Musaafir is able to do so without difficulty, Allaah Ta'aala says, **"If you do fast (despite the concession) it is best for you"** [Surah Baqara, verse 184]. Of course, it is best **not** to fast if one will experience difficulty.

Can a Musaafir Observe Nafl or Qadha Fasts During Ramadhaan?

Practising on the concession allowed to him, a Musaafir did **not** observe the fasts of Ramadhaan while on a journey. However, he fasted with

the intention of observing Qadhaa[21], Nadhr Mu'ayyin[22] or Qasam[23] fasts. In these cases, the fast will be valid for whichever of the above intentions he made. However, if his intention was to observe an optional (Nafl) fast or he fasted without any specific intention, the fast will **not** be regarded as a Nafl fast but as a fast of Ramadhaan. [Shaami Vol. 2 Pg. 92]

It is Compulsory to Fast if the Musaafir's Journey Begins Only after Subh Saadiq[24]

A Musaafir is only allowed to miss a fast of a particular day if he commenced his journey after Subh Saadiq of that day. It is **not** permissible for him to miss a fast if he leaves after Subh Saadiq even if the decision to travel was made before Subh Saadiq. However, on the subsequent days of travelling he will have the option to miss the fasts. It is also permissible for him to miss the fast of a day if he starts his journey before Subh Saadiq (even though his original decision was to leave afterwards). [Shaami Vol. 2 Pg. 133]

Is a Musaafir Permitted to Break a Fast?

While travelling, it is inappropriate for a Musaafir to break his fast without a valid excuse. However, if the Musaafir does break his fast without a valid excuse, he will only have to observe the Qadhaa as compensation and will **not** have to pay the Kaffaara[25]. If a Muqeem began to fast and was then forced to undertake a strenuous journey, he will only be allowed to break the fast if he experiences difficulty. In this case as well, no Kaffaara will be due from him. [Fataawaa Mahmoodiyya Vol. 3 Pg. 141; Aalamgeeri Vol. 1 Pg. 206]

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[21] Repetition of a Ramadhaan fast that was missed or any fast that was broken.

[22] A fast/s that a person has vowed to observe on a specific day or on specific days.

[23] A fast that one swears on oath that he shall observe without specifying the day.

[24] "True dawn" which marks the time when Fajr salaah is to be performed and when fasting begins.

[25] Expiation for the broken fast, which is usually discharged by fasting for two months consecutively.

Undertaking a Journey or Choosing a Long Road to Avoid Fasting

During the month of Ramadhaan, a spiritless Muslim decides that the summer fasts are too long for him. To evade the obligation of fasting, he sets out on a journey, thinking that he will observe the Qadhaa during the winter months when the fasts are shorter. Another person has the option of travelling two roads to his destination. Because the one road is shorter and will **not** qualify him to be Musaafir, he takes the longer road that does qualify him to be a Musaafir. He does this so that, as a Musaafir, he has the choice of **not** fasting.

Both persons in the above cases are permitted to miss their fasts, but they are guilty of perpetrating a detesable act. [Fataawaa Daarul Uloom Vol. 6 Pg. 496 – Alaamgiri Vol 1 P 138]

Did Rasulullaah (sallallaahu-alayhi-wa-sallam) ever miss a Fast while Travelling?

According to varied circumstances, Rasulullaah (sallallaahu-alayhi-wa-sallam) sometimes fasted and sometimes did **not** fast. During the 8th year after the Hijrah, the Muslims marched to conquer Makkah in the month of Ramadhaan. Upon reaching a place called Usfaan, Rasulullaah (sallallaahu-alayhi-wa-sallam) asked for a cup of water and, practising on the concession, drank the water in full view of all the Sahaaba (R.A). Seeing this act of Rasulullaah (sallallaahu-alayhi-wa-sallam), many Sahaaba (R.A) also broke their fasts. There were also many Sahaaba (R.A) who continued to fast, much to the dissatisfaction of Rasulullaah (sallallaahu-alayhi-wa-sallam).

Rasulullaah (sallallaahu-alayhi-wa-sallam) did **not** fast on that day because the Muslims were out for Jihaad which, together with spiritual strength, also requires physical strength. Rasulullaah (sallallaahu-alayhi-wa-sallam) was upset with those Sahaaba (R.A) who continued to fast because fasting can physically weaken a person, thereby negatively affecting their ability to engage in Jihaad. [A variation of the above hadith is reported in Vol. 1 Pg. 356 of Muslim]

Breaking One's Fast because of Extreme Thirst

If a person is on a journey which may even be less than the distance of Safar, he is permitted to break his fast if he suffers such extreme thirst that he fears for his life or his mental health. If he breaks his fast under such circumstances, only Qadhaa will be due without the need for Kaffaara. [Durrul Mukhtaar Vol. 2 Pg. 126]

When One is Forced to Break One's Fast on a Journey

It is Waajib (compulsory) for a Musaafir to break his fast if an enemy threatens to kill him or to break his limb if he does **not**. If he refuses to break his fast and loses his life or a limb as a result, he will be regarded as a sinner. [Badaa'ius Sanaa'i Vol. 2 Pg. 96]

A Fast can be Broken to Satisfy One's Host

It may occur that a host, with love and sincerity, prepares a meal for a Musaafir guest but the guest is fasting. Just as it is permissible for a host to break his Nafl fast to entertain his guest, so too is it permissible for a Musaafir guest to break his fast to satisfy the host. Of course, he will have to repeat the fast on another day. However, if the guest is certain that the host will **not** be offended by his refusal to partake of the meal, he should continue with his fast. [Maa Laa Budda Minhu Pg. 100, Durrul Mukhtaar Vol. 2 Pg. 132]

A Musaafir Decided to become a Muqeem, Fasted and then broke his Fast

A Musaafir had no intention of fasting. It then occurred that he decided to stay over at a place and become a Muqeem. As he did this, he began to fast but broke this fast without completing it. In this case, Kaffaara will **not** be binding on him. [Shaami Vol. 2 Pg. 133]

A Fast was Broken before the Journey could Begin

A person intended to travel but had **not** yet embarked on the journey when he broke his fast without a valid excuse. A Qadhaa fast as well as Kaffaara will be binding on him because he broke his fast while still a Muqeem. [Ibid]

A Muqeem had Already Intended to Fast when he Embarked on a Journey

A Muqeem made the intention to fast from the night before the fast. However, he had to leave town on a journey before Subh Saadiq. It is permissible for this person to miss the fast if he chooses to. However, if he intended to fast from the night before and only left town after Subh Saadiq, he will **not** be permissible to break the fast. If he does break the fast, Kaffaara will **not** be necessary. [Ibid]

When a Musaafir becomes a Muqeem

During the month of Ramadhaan, a Musaafir reached home or decided to stay for fifteen or more days at a particular place, thereby becoming a Musaafir. If, on the night before, he did **not** make the intention to fast and, when he became a Muqeem, he had had nothing to eat or drink since Subh Saadiq, he can formulate the intention to fast – on condition that he becomes a Muqeem before midday[26]. If he becomes a Muqeem after midday, he cannot fast because the time in which the intention is formulated has already expired. However, he should refrain from eating and drinking like a fasting person because it is Makrooh for him to eat or drink. The same will apply when he has already eaten after Subh Saadiq irrespective of whether he becomes a Muqeem before or after midday (i.e. he can neither fast nor eat). [Ibid]

A Fasting Muqeem Travelled, Returned before Completing the Distance of Safar and then Broke his Fast

A Muqeem began fasting but had to leave on a journey. However, he had **not** yet travelled the distance of Safar (88,864km) when he decided to return home to fetch something that he had forgotten behind. Upon his return home, he broke his fast. Kaffaara will be binding on him because he is no longer regarded as a Musaafir and the laws applicable to a Musaafir do **not** apply to him. [Ilmul Fiqh Vol. 3 Pg. 36 – Shaami Vol 2 P 133]

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[26] "midday" in this case refers to the time midway between sunrise and sunset.

A Fasting Musaafir Engaged in Sexual Relations upon Reaching Home

A Musaafir reached home before midday and decided to fast. However, he engaged in sexual relations with his wife before sunset. In this case, although his fast is broken, Kaffaara will **not** be due from him. [Aalamgeeri Pg. 206]

It is not Permissible to Miss One's Fast for a Minor Journey

It is **not** permissible for a person to miss the fast of Ramadhaan when he is travelling a distance less than 88,864km even though the journey may be strenuous. Since such a person will **not** be regarded as a Musaafir, he will be unable to benefit from the concession of Qasr as well as that of Iftaar (i.e. **not** fasting). [Fataawaa Daarul Uloom Vol. 6 Pg. 143, Shaami Vol. 3 Pg. 126]

Staying Over at a Place for Less than Fifteen Days

When a Musaafir decides to stay over at a place for a period less than fifteen days, he will still retain the option of **not** fasting. However, it is best for him to fast so that they do **not** lose the virtues of Ramadhaan. It is especially recommended that ambassadors and people with a high standing in Deen fast on such occasions so that people without knowledge do **not** mock at them and unwary people do **not** use this action to substantiate their negligence to fast. [Shaami Vol. 2 Pg. 134]

Countries where the Duration of Day and Night are Unusual

Certain areas like Lapland and Tundra have unusually long daylight hours and a day may extend for up to 22 or 24 hours at times. If a Musaafir fasts in any such area, he will only be allowed to end his fast after sunset. It is **not** permissible for him to start and end his fast according to the times followed in his home country. However, if the day is longer than 24 hours, he should end his fast just before the expiry of 24 hours. He should end the fast only that much of time

before the expiry of 24 hours, within which he is able to eat and drink what is necessary.

Of course, if the Musaafir cannot bear to continue his fast and fears for his life or health, he is allowed to break the fast. If he is capable of continuing the fast without difficulty, it is **not** permissible to break it. This will apply if the Musaafir began his journey after Subh Saadiq. If he began before Subh Saadiq, he will be allowed to break the fast even if he made the intention to fast that day.

NOTE: In areas where the days are extremely long, the people living there are generally able to fast and they do.

If an inhabitant of places with extremely long days travels to an easterly place where the days are extremely short (three to four hours), they will fast for as long as the people of the easterly area fast. They will **not** fast according to the times they are accustomed to. [Fataawaa Mahmoodiyya Vol. 13 Pg. 129 – Shaami Vol 1 P 269]

Fasting More than Thirty Days

Fasting usually begins a few days earlier in the Arab states. People living in India and South Africa often begin fasting with the Arabs while they are there. However, after fasting for thirty days, they return home to find that the people at home still have a day or more to fast. Although they have discharged their responsibility of fasting after fasting for thirty days, they will have to fast to concur with the rest of the Muslims and in honour of the blessed month. This fast will be regarded as Nafl like the fast of the Musaafir who returns home after midday. Such a Musaafir is **not** allowed to eat or drink so that he may concur with the other Muslims and duly honour the sacred month. [Shaami Vol. 2 Pg. 116]

Fasting Less than Twenty-Nine Days

A person travelled to an Arab state during the month of Ramadhaan while he was still observing his twenty-eighth fast according to the calendar of his country. However, when he reached he found that the people there had already completed their fasts and were celebrating Eid. The Musaafir will have to celebrate Eid with the people there and fast an additional day some time afterwards. [Aap ke Masaa'il Vol. 3 Pg. 327]

Reaching a Place where the Sun has not yet Set after Terminating one's Fast

A person ended his fast after sunset. Thereafter, he travelled westward by jet and reached a place where the sun had **not** yet set. This will **not** nullify his fast, but he will have to behave like a fasting person until sunset (by refraining from everything that will break a fast). [Ahsanul Fataawaa Vol. 4 Pg. 69]

When will one End one's Fast on an Aeroplane?

Although the timetable at ground level states that the sun has set, a person on board a plane flying at 35000 feet will still be able to see the sun. Will the person on board the plane end his fast according to the timetable or should he wait until the sun is no longer visible? The basic principle to bear in mind in any such situation is that a person will follow the times applicable to the place where he is located at that particular time. Therefore, he will be unable to end his fast until the sun disappears. [Aap ke Masaa'il awr un kaa Hal Vol. 2 Pg. 270]

A Person Performs the Eid Salaah in Another Country and then returns home to find that Ramadhaan has not yet Ended

A Musaafir performed the Eid salaah after fasting a complete 29 or 30 days in a particular country. Thereafter, he reaches another country where a day or two of Ramadhaan are still left. Although his obligation is over, it will be necessary for him observe the fasts with the rest of the Muslims and perform the Eid salaah with them to concur with them and to honour the blessed month and occasion. [Fataawaa Mahmoodiyya Vol. 13 Pg. 130]

When should a Musaafir Observe the Qadhaa Fasts?

After returning home, the Musaafir should observe the Qadhaa fasts as soon as the first opportunity makes itself available. If he did **not** get the opportunity and is about to leave this world, it is Waajib for him to

make a bequest in his will that the Fidya (compensation) for these fasts be paid. Of course, this will apply when he leaves sufficient inheritance. After his death, his heirs will pay the Fidya from one third of the estate. In lieu of each missed fast they will have to give half a "Saa" (approximately 1,7kg) of wheat (or wheat flour) to the poor (or the value thereof in cash). If the person passes away without making this bequest, he will be sinful and accountable in the Aakhirah (Hereafter). In this case, if the heirs decide to pay the Fidya from their personal funds, it is hoped that Allaah will accept this and **not** take the deceased to task. [Aalamgeeri Vol. 1 Pg. 103]

The Qadhaa of a Person who is Continuously Travelling

There are people who are continuously travelling throughout the year. They never have the opportunity to become Muqeems anywhere and cannot forsee any stage in their lives when they will be able to stop travelling. If a person is truly faced with such a situation and never find themselves settling down as Muqeems, neither is fasting compulsory for them nor is it compulsory for them to make a bequest to pay the Fidya. [Durrul Mukhtaar Vol. 2 Pg. 127]

The Musaafir who Passes Away while Travelling

If a Musaafir loses his life during a journey, he will **not** be required to make a bequest for the payment of Fidya for those fasts that he missed on that particular journey which claimed his life. It is also **not** necessary for anyone else to pay the Fidya for these fasts. [Ibid]

What Happens to a Musaafir who Never Finds the Opportunity for Qadhaa?

Practising on the concession granted by the Shari'ah, a Musaafir missed a few fasts while travelling. Upon reaching home, he did **not** find the opportunity to observe the Qadhaa when he suddenly passed away. The situation can assume two forms.

A) If he passed away immediately after returning home and could **not** observe the Qadhaa fasts at all, the missed fasts will be forgiven.

B) It could occur that he had an opportunity to observe the Qadhaa fasts after becoming a Muqeem but he failed to do so on some account and then passed away. In this case, it is Waajib for him to make a bequest that Fidya be paid for those Qadhaa fasts that he could have completed before his death. He will be accountable to Allaah if he neglected to make this bequest. Of course, Allaah may forgive him for this if his heirs choose to pay the Fidya from their own wealth. [Ibid]

Can a Musaafir Pay the Fidya?

If a Musaafir has the ability to observe his Qadhaa fasts, it will **not** be permissible for him to pay the Fidya. He will have to fast. The fasts will still be incumbent on him even if he pays the Fidya. A person may only pay the Fidya when he is physically incapable of fasting and has no hope of ever regaining the ability to fast. [Fataawaa Daarul Uloom Vol. 6 Pg. 463]

The Musaafir who is Incapable of Paying the Fidya

After returning from a journey, a Musaafir is incapable of observing the Qadhaa fasts and has no hope of ever regaining the strength to fast. In addition to this, he does **not** have the financial means to pay the Fidya although he would have readily done so if the means were available. The Fidya will therefore be waived from him. [Ahsanul Fataawaa Vol. 4 Pg. 459]

Will the Reward of the Six Fasts after Eid be Attained if a Musaafir Observes his Qadhaa Fasts Therein?

The virtue of fasting six days in Shawwaal are mentioned in the following Hadith:

Rasulullaah (sallallaahu-alayhi-wa-sallam) said, “Whoever fasts in the month of Ramadhaan and then follows these fasts with six fasts in the month of Shawwaal, it will be as if he has fasted the entire year.” [Mishkaat Pg. 179]

If a Musaafir begins to observe his Qadhaa fasts in Shawwaal with the anticipation that he will also receive the reward for the six Shawaal fasts, his enthusiasm is well received but he will **not** attain the desired reward. The reason for this is that the reward is promised for fasting six fasts ***in addition to*** the full month of Ramadhaan. It is gathered from this hadith that every fast of Ramadhaan is equivalent to ten days of fasting. By this equation, thirty days of fasting during Ramadhaan is equal to ten months of fasting. To complete a year's fasting, the remaining two months are filled by the six fasts of Shawwaal. The reward of the six fasts of Shawwaal will therefore only be attained when a person observes them solely with the intention of Nafl fasts. [Ahsanul Fataawaa Vol. 4 Pg. 431]

Will the Virtues of Nafl Fasts be Attained when One Observes them with the intention of Qadhaa?

If a person observes his Qadhaa fasts during the days in which Nafl fasts are to be observed, the Qadhaa will be discharged but – **not** the Nafl fast. As a result, the rewards and virtues promised for the particular Nafl fast will also be lost. (Shaami Vol 2 P 130/ Alaamgiri Vol 1 P 197)

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Injunctions Pertaining to Zakaah

Is Zakaah Compulsory for the Musaafir?

When a person qualifies to pay Zakaah, it will be due from upon the expiry of a full year even though he may be a Musaafir at that time. [Aalamgeeri Vol. 1 Pg. 172]

Is Sadaqatul Fitr Waajib for a Musaafir?

If a person qualifies to pay Sadaqatul Fitr at home, it will be Waajib for him to pay it even while he is a Musaafir. [Badaa'ius Sanaa'i Vol. 2 Pg. 70]

Where Should the Musaafir pay His Zakaah and Sadaqtul Fitr?

A Musaafir may pay his Zakaah anywhere in the world he may be. However, it is necessary that he pay his Sadaqatul Fitr in the area that he is in on the occasion of paying. He will therefore pay the equivalent of half a "Saa" of wheat (or wheat flour) to the poor in the area he finds himself. This value will be determined according to the price in that particular area and **not** according to the price in his hometown. [Badaa'ius Sanaa'i Vol. 2 Pg. 75]

Can a Wealthy Musaafir Accept Zakaah or Sadaqatul Fitr?

A wealthy Musaafir was robbed of all his wealth while travelling. As a result it became extremely difficult for him to reach home or his destination. In such a situation it is permissible for him to accept just enough Zakaah money as is absolutely necessary. It is **not** permissible to accept any more. However, it is best if he borrows the money from someone with the promise to pay back. [Aalamgeeri Vol. 1 Pg. 188]

Can a Wealthy Musaafir use Interest Money?

If Musaafir is forced to pay for something with interest money and has no other option, he may do so only because of the emergency. This will **not** be permissible if he expects that he will be able to acquire funds from Halaal sources. [Ibid]

A Musaafir's Zakaah is paid without his Knowledge

It was Fardh for a Musaafir to pay Zakaah and he left home without instructing someone to pay it on his behalf. However, if someone did pay it from the Musaafir's wealth, one of two situations will apply:

- ❖ If the money was still unspent with the recipient when the Musaafir approved of the act, his Zakaah will be discharged.
- ❖ If the recipient had already spent the money when the Musaafir approved of the action, his Zakaah will **not** be discharged and will have to be paid again. [Aalamgeeri Vol. 1 Pg. 171]

Can a Zakaah Collector use Zakaah Money for Personal Needs?

The personal money of a collector as well as the money he received from the institution he represented was finished. The only money he had with him was the Zakaah that he had been commissioned to collect. It is **not** permissible for him to utilise the Zakaah funds and will have to make alternate arrangements to secure funds because he is **not** the owner of the Zakaah funds, but only a representative of the institution who sent him to collect. His duty is only to take the money to the institution and he has no right to use the money even though he intends to repay the amount later. [Fataawaa Raheemiyya Vol. 5 Pg. 164]

Can a Representative Change the Zakaah Funds?

A representative of a Madrasah had collected Zakaah funds and telephoned a friend with the instruction to pay the equivalent amount to the madrasah. This is permissible. Despite doing this, it is still **not** permissible for the representative to use the funds. It is only permissible for him to change the money into a different denomination of notes when he has direct or implied permission to do this. Although

this is usually permitted without asking for permission, it is still best to do so. [Ahsanul Fataawaa Vol. 4 Pg. 300]

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Injunctions Pertaining to Sacrificing Animals

Is it Waajib for a Musaafir to Sacrifice an Animal?

If a Musaafir is travelling during the days of sacrificing (from the 10th of Dhul Hijjah until sunset of the 12th), Qurbaani (slaughtering an animal) will **not** be Waajib for him even though he possesses wealth exceeding the value of Nisaab. He will **not** be required to repeat the Qurbaani (sacrifice) upon reaching home. [Shaami Vol. 5 Pg. 219]

Is it Waajib for a Haaji to Sacrifice an Animal During the Days of Hajj?

It is Waajib for a Haaji performing Tamattu or Qiraan Hajj to sacrifice an animal. This is **not** the normal sacrifice that people carry out on the occasion of Eid. The sacrifice on Eid will only be Waajib on a Haaji if he stayed in Makkah with the intention of Iqaamah for at least fifteen days before leaving for Mina (i.e. before the 8th of Dhul Hijjah). He must **not** have even left Makkah for a few nights during this period. In such a case, the Haaji will be a Muqeem in Makkah and will have to sacrifice an animal on the occasion of Eid.

However, if a Haaji arrived in Makkah less than fifteen days before the days of Hajj (before the 8th), he will be regarded as a Musaafir in Makkah. Similarly, if he arrived in Makkah a long time before the 8th but, during the fifteen days preceding the 8th, he had to leave Makkah for a place more than 88,864km away, he will also be a Musaafir. The sacrifice of Eid will **not** be Waajib on both persons described above as Musaafirs. [Aalamgeeri Vol. 5 Pg. 322]

A Person left on a Journey after Purchasing the Sacrificial Animal

A person purchased an animal to sacrifice for the occasion of Eid but had to leave on a journey either before the days of sacrificing or afterwards. One of the following two situations will apply:

A) If the person is **not** a wealthy person upon whom Qurbaani is Waajib (i.e. despite the fact that Qurbaani was **not** Waajib on him, he still purchased an animal for Qurbaani), the Qurbaani will still remain Waajib on him even though he has become a Musaafir. He will therefore have to sacrifice the animal. If he fails to do so within the days of sacrifice, he will have to give Sadaqah as compensation.

B) If the person was wealthy and Qurbaani was binding on him, it will no longer be Waajib for him to sacrifice the animal because he has become a Musaafir before the days of Qurbaani (sacrifice). However, if he only embarks on the journey during the days of sacrifice, the oblgation will **not** be waived and he will have to sacrifice the animal. [Shaami Vol. 5 Pg. 219]

A Musaafir Returns home on the Last Day of Qurbaani

A person left on a journey before the days of Qurbaani began and only returned home or became a Muqeem at another place on the last of these days (i.e. before sunset of the 12th). In this case, Qurbaani will be Waajib on him if he has the means. If he is unable to acquire an animal for Qurbaani or if there is **not** enough time before sunset to slaughter the animal, he may donate the animal as Sadaqah or the price of the animal. [Aalamgeeri Vol. 5 Pg. 296]

Someone Sacrifices an Animal on Behalf of a Musaafir

A Musaafir left without instructing anyone to sacrifice and animal on his behalf. However, someone did sacrifice an animal for the Musaafir, the Musaafir's Qurbaani will **not** be discharged. It will only be discharged if the Musaafir had appointed someone to do it for him. If someone sacrificed an animal as Nafl (optional) Qurbaani on behalf of the Musaafir, this Qurbaani will be valid. [Aalamgeeri Vol. 5 Pg. 302]

Is the Takbeer Tashreeq Waajib for a Musaafir?

It is Waajib that the Takbeer Tashreeq be recited after every Fardh salaah from Fajr of the Day of Arafah (9th of Dhul Hijjah) until Asr of the 13th. However, it is **not** Waajib for the Musaafir to recite this

Takbeer. Of course, it is best that he recites it. When the Musaafir performs salaah with Jamaa'ah, it will then be Waajib for him to recite the Takbeer Tashreeq. [Aalamgeeri Vol. 1 Pg. 452]

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Injunctions Pertaining to Hajj

Performing Hajj without a Mahram

Amongst the many conditions that make Hajj obligatory for a woman, one of the conditions is that a Mahram accompanies her on the journey. In fact, it is **not** permissible for a woman to proceed for Hajj when there is no Mahram to accompany her or when her Mahram is unable to accompany her. If she proceeds for Hajj and fulfils the rites of Hajj without a Mahram, she will be regarded as a sinner for disobeying the Shari'ah and for flouting Allaah's commands. Such a Hajj will be Makrooh Tahreemi even though her obligation is fulfilled. [Shaami Vol. 2 Pg. 159]

NOTE: A woman's Mahram refers to a relative of hers with whom marriage will always remain Haraam (forbidden). Included among **non**-Mahram relatives will be all those relatives to whom marriage is temporarily forbidden.

Can an Old Woman Perform Hajj without a Mahram?

Whether a woman is old or young, it is **not** permissible for her to proceed for Hajj without a Mahram if the journey entails a distance of more than 88,864km. If she has the means to perform Hajj but cannot get a Mahram to accompany her until her death, it will be Waajib for her to make a bequest that Hajj be performed on her behalf (called Hajj Badal). [Aalamgeeri Vol. 1 Pg. 218]

Is it Necessary for the Mahram to Remain all the time with the Woman he Accompanies

A woman is accompanied by her Mahram for Hajj. However, the journey will **not** be permissible if their program is such that:

- The woman will have to travel part of the journey by herself, and the distance she has to travel by herself exceeds 88,864km.
- The Mahram will accompany her for the days of Hajj, but she will have to return home by herself.

Rasulullaah (sallallaahu-alayhi-wa-sallam) said, “It is **not** permissible for a woman who believes in Allaah and the Last Day that she travels a journey of three days without her father, husband, brother or Mahram with her.” [Abu Dawood Vol. 1 Pg. 243]

Travelling without a Mahram for Hajj when a Mahram is Present in Makkah

It is necessary for a Mahram to accompany a woman throughout the journey. Therefore, if a woman travels more than the distance of Safar without a Mahram, she will be guilty of violating the Shari'ah and the Hadith of Rasulullaah (sallallaahu-alayhi-wa-sallam). She will therefore be regarded as a sinner even though she may have a Mahram in Makkah. [Fataawaa Raheemiyya Vol. 2 Pg. 71]

The Need of a Mahram for a Flight of a Few Hours

A Mahram takes a woman to the airport and another Mahram is waiting for her at the Jeddah airport. She only lacks a Mahram for the few hours of flying. In this case, because she is travelling for a distance longer than that of Safar, the laws applicable to a Musaafir will apply to her, such as that of Qasr salaah. Therefore, the law necessitating the presence of a Mahram will also be binding. If a Mahram does **not** accompany her on such a flight, she will be guilty of a grave sin even though the flight is for a very short period. [Fataawaa Raheemiyya Vol. 5 Pg. 237]

Is Hajj Fardh if a Person is not Allowed to Leave his Country?

If a country does **not** allow people to leave or does **not** allow them to perform Hajj, one of the following situation will apply:

A) If Hajj was Fardh on the people of that country before the law was imposed prohibiting travel out of the country, Ulema are unanimous that it is Waajib for these people to make a bequest that Hajj Badal be performed on their behalf. This may be done by people of the same country whose movement is **not** restricted or by anyone else.

B) If the law was imposed before Hajj became Fardh, there is a difference of opinion between Hadhrat Imaam Abu Haneefa (A.R) and "Saahibayn"[27]. Hadhrat Imaam Abu Haneefa (A.R) maintains that Hajj will **not** be Fardh for such people while Saahibayn are of the opinion that it is Waajib for them to have Hajj Badal performed on their behalf. While the verdict of Hadhrat Imaam Abu Haneefa (A.R) is more lenient, the verdict of Saahibayn is based on caution. If the law of the country is later repealed after Hajj Badal has already been carried out, it is compulsory for the person to perform Hajj personally if he has the means. [Shaami Vol. 2 Pg. 154]

From Where should Hajj Badal be made?

If Hajj Badal has to be performed on behalf of a deceased person or a living person who will never be able to perform Hajj himself, it is necessary that the Hajj be performed from the hometown of the person on whose behalf Hajj is being made. If one-third of the deceased's estate is insufficient to send a person for Hajj from his hometown and the heirs do **not** want the balance to be taken from the remaining two thirds of the estate, a person should be sent from a place where the funds will be sufficient. If the person on whose behalf Hajj Badal is being made stipulates the place from where the Hajj is to be made, it will be Waajib to have the Hajj made from there – even though the place be Makkah itself. However, if a person has enough means, it will be Makrooh for him to stipulate that someone makes his Hajj Badal from Makkah. If a deceased person did **not** make a bequest that Hajj Badal be made on his behalf, but someone voluntarily sponsored it or voluntarily made the Hajj on his behalf, then it is **not** necessary that the Hajj be made from the person's hometown. [Shaami Vol. 2 Pg. 263]

The Husband Passes away or Divorces his Wife when they Reach Makkah

After a husband passes away or divorces his wife, her Iddah begins immediately. It is Waajib for a woman to spend her Iddah in the place where she was when her husband passed away or divorced her on condition that it is safe for her to live there.

[27] "Saahibayn" refers to the two famous students of Hadhrat Imaam Abu Haneefa (A.R) viz. Imaam Abu Yusuf (A.R) and Imaam Muhammad (A.R).

Therefore, if a woman's husband passes away when they reach Makkah, she will be unable to proceed to Arafah. Since Hajj is invalid without proceeding to Arafah, it will be best if the woman stays in Makkah the entire year and performs Hajj the following year. If this is **not** possible, she should go back home and return the following year if she can. If she cannot return for some valid reason the following year or on any subsequent year, she should make a bequest that Hajj Badal be made on her behalf.

The above discussion is based on what the books of Fiqh (Islaamic jurisprudence) state. Of course, none is unware of the complexities and difficulties that people experience nowadays, especially with regard to government laws concerning travel. Therefore, the above courses of action may prove impossible. It is for this reason that it seems appropriate to practise what the author of Zubdatul Manaasik has written when he states that it is permissible for a widow to perform Hajj while observing the Iddah.

He states that the woman will experience many difficulies by staying in Makkah for a year or by returning home and then performing Hajj the following year, because she will then require money for an entire year. She will also need to look for a Mahram the following year, which would also prove difficult. As a result of this, she is allowed to complete her Hajj by proceeding to Arafah, etc. [Zubdatul Manaasik Vol. 1 Pg. 25 – Shaami Vol 1 P 155]

Journeying for Hajj During the Iddah

A woman is **not** allowed to travel during her Iddah, even though the journey may be to perform Hajj. She should rather perform Hajj the following year with a Mahram. If this is **not** possible for her to perform Hajj the following year or during any subsequent year, she must make a bequest that Hajj Badal be made on her behalf. [Shaami Vol. 2 Pg. 263]

When a Person Passes Away while Travelling for Hajj

When a Musaafir passes away while travelling for Hajj, one of the following two situations may apply:

A) If Hajj only became Fardh on him that year, it will **not** be Waajib for him to make a bequest for Hajj Badal.

B) If Hajj was Fardh on him before the year in which he passed away (i.e. he had already delayed the Hajj for a year or more), it will be Waajib for him to make a bequest that Hajj Badal be performed on his behalf. If he did **not** make this bequest, it would be commendable if his heirs have the Hajj Badal performed on his behalf. [Ibid]

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Injunctions Pertaining to Divorce, Iddah, Maintenance and a Missing Person

When a Husband Passes Away or Divorces his Wife while on a Journey

A couple was on a journey when the husband divorced the wife or he passed away. In either situation, Iddah will be binding on the wife. Will she continue the journey or return home? Allaama Kaasani (A.R) has discussed the situation as follows:

A) If her home is closer than the distance of Safar (88,864km) from the place where her husband passed away or divorced her, she should return home.

B) If her home is more than the distance of Safar away from the place, and her destination is less than this distance away, she may continue her journey to the destination.

C) If the distance between both places (home and destination) is the same from the place she finds herself in, she has two options:

- ❖ If the place (where she was divorced or widowed) is desolate or (if habitable) it is unsafe to stay, she may proceed to her destination or return home if a Mahram accompanies her. If there is no Mahram to accompany her, she should stay at the nearest place of safety.
- ❖ If this occurs in any town or city, she may proceed wherever she wants with a Mahram to pass her Iddah. If she has no Mahram, she should pass her Iddah in that particular town or city. [Badaa'ius Sanaa'i Vol. 3 Pg. 207]

Can a Widow Travel During her Iddah?

A woman passing her Iddah may only emerge from her house for a dire necessity. Nowadays, by emerging from their homes on the smallest pretexts, women earn Allaah’s wrath by disobeying the command of the Qur'aan (Surah Talaaq, verse 1).

It is permissible for her to leave the house in case of a necessity such as:

- There is fear for the safety of her life or honour.
- There is a fear that the building may collapse.
- She feels extremely frightened there because there is no one with her.
- She cannot afford to pay the rent.

In cases such as the above, she may leave her home for the nearest other place where she may live in peace and security.

If the woman has no means of getting food and there is none at all to provide for her, she may leave the house to earn during the day but will have to return home by nightfall. It is Waajib for her to spend most of the night at home. The same will apply if there is none to tend to her crops and if she will suffer unbearable loss if it is left unattended. When a woman's necessities can be fulfilled locally, there is no need for her to travel far distances for the same. (Badai Vol 3 P 207)

Can a Divorcee Leave her Home During her Iddah?

A divorcee may **not** leave her home during the period of her Iddah. However, she may leave her home to live in a nearby place when there is no emergency of some sort such as fear for her life or honour, etc. However, she may **not** leave her home to travel the distance of Safar for any necessity that can be fulfilled in a place that is closer. [Qaadhi Khan Vol. 1 Pg. 554 – Badai Vol 3 P206]

Can a Widow Travel to Collect her Pension or to get a Visa?

After her husband passes away, a widow needs to collect her pension. If she does **not** present herself, she will lose her pension for the month. To safeguard this income, it is permissible for her to leave the house but she should make every effort to spend the night at home.

Similarly, if the widow needs to acquire a visa urgently, which cannot be postponed until after her Iddah, she will be allowed to travel to the issuing office if it cannot be issued anywhere closer to her home. This

is only allowed if the widow is at risk of suffering grave financial loss by **not** acquiring the visa in question. However, if she could arrange for a medical certificate to be sent to issuing office to relieve her of travelling, it will be best for her because she will be abiding by the law of the Shari'ah by **not** leaving the house and her work will get done. [Fataawaa Raheemiyya Vol. 8 Pg. 4]

If a Woman in Iddah cannot Afford to pay Rent?

A husband and his family live in a rented house. When he passes away, it becomes Waajib for his widow to spend her Iddah in the same house. However, if she is unable to pay the rent, it is permissible for her to move to a nearby house where she can pass her Iddah in safety and ease. [Shaami Vol. 2 Pg. 674]

Can a Widow Travel to see her Husband's Face?

A husband and wife were in different places when he passed away. She will have to spend her Iddah in the place where she was at his death and is **not** allowed to travel to see his face. [Ahsanul Fataawaa Vol. 5 Pg. 431]

Can a Woman in Iddah Leave her home for a Wedding or a Funeral?

It is **not** permissible for a woman to leave her home for a wedding, a funeral or to console the bereaved. [Fataawaa Daarul Uloom Vol. 10 Pg. 209 – Durr Vol 2 P 672/ 7]

If the Woman left her Home to Pass her Iddah Elsewhere

It is **not** permissible for a woman in Iddah to leave her home without a valid excuse. However, if she did leave for a place where she is in safety and peace, she may complete her Iddah there. Now it will **not** be permissible for her to return to the first place without a valid excuse. [Shaami Vol. 2 Pg. 662]

The News of a Person’s Death or Divorce only Reached the Wife after a Few Months

While on a journey, a Musaafir passed away or divorced his wife. However, the news of the death or the divorce only reached the wife after a few months had passed. Is Iddah necessary for her? The Shari'ah stipulates that a woman commence her Iddah from the time that her husband passes away or divorces her, even though she may have no knowledge of the occurrence. Therefore, if a woman only hears about the death or the divorce after a period in which her Iddah expires, it will **not** be necessary for her to pass another Iddah. If the news was received after part of the Iddah had expired, she will have to complete the period in Iddah. Naturally, if the news was received immediately, she will have to commence the Iddah from the time the news was received. [Ibid]

A Musaafir Brought the News of the Husband’s Death

A man left on a journey. When other travellers returned, they informed the man’s wife that he had passed away on a particular date. Upon hearing this, the woman began her Iddah. After completing the Iddah, she may remarry on condition that she is convinced of her husband’s death. If, after remarriage, another person informs her that her first husband is still alive, she is at liberty to live with the second husband until the first husband’s existence is proven by relible testimony. [Aalamgeeri Vol. 1 Pg. 531]

Who is Responsible for a Woman’s Travelling Expenses?

If a woman is travelling with her husband, he will be responsible for her expenses even though the journey is undertaken for her personal benefit. However, if the husband is **not** with her, he is **not** responsible for her expenses. [Shaami Vol. 2 Pg. 390]

What About a Woman’s Maintenance if her Husband is Missing?

A person left on a journey and then disappeared without trace. However, he had **not** left sufficient wealth for his family. Can his family sell his property to cover their expeses? If so, how much can they draw every month?

If the missing person leaves wealth that can be utilised without being sold (like cash, groceries, etc), it may be used. However, property that cannot pay for expenses without being sold (like land, vehicles, etc), may **not** be sold. However, the case may be presented before an Islaamic Shari'ah court[28]. In court, she should present two witnesses who will testify that her marriage to the missing person is still intact. She should also swear on oath that her husband did **not** leave enough money for her to survive. The judge will then appoint someone to give the woman a loan, which she may spend on her expenses. The judge will stipulate the amount she is paid monthly according to her needs. The husband will have to pay back the loan after his return. If there is no Islaamic Shari'ah court and none to give a loan, the immoveable and other property of the husband may be sold to maintain his family. [Shaami Vol. 5 Pg. 3 and Vol. 2 Pg. 725]

When a Wife cannot Reunite with her Husband

A person works in a foreign land and marries there with the hope that he will be able to secure a visa for his wife to accompany him back to his homeland. However, after much effort, his country refuses to issue a visa for his wife and he is forced to return without her. What should she do now that she has no hope of reuniting with her husband?

In this case, the husband should try to live permanently in his wife's country. If this is **not** possible, he should provide for her financially together with visiting her regularly to fulfil her rights. However, if he forgets about her after returning home and fails to support her, it is best that he divorces her or that she exercises Khula[29]. If this is also **not** possible, the case should be presented before an Islaamic Shari'ah court where the judge may rule that the marriage is nullified. After

[28] Proper Islaamic Shari'ah courts exist only in countries that have Muslim rule. In other countries, a reliable Ulema body may serve the purpose of a Shari'ah court to nullify marriages.
[29] Khula is an option that the wife can exercise whereby she offers her husband a sum of money in exchange of a divorce. It is sinful for the husband to demand a sum more than the Mahar (dowry) he paid her.

passing her Iddah, she may remarry. [Fataawaa Mahmoodiyya Vol. 10 Pg. 451 and Vol. 11 Pg. 255]

What should the Wife of a Missing Person do?

Once a woman's husband is missing, she has the right to have her marriage nullified. However, there are certain preconditions attached to this nullification. The first of these is that she should present the case before an Islaamic Shari'ah court and inform them how long her husband is missing. She will have to present two witnesses[30] to testify that her husband is missing and two witnesses to testify that her marriage to the missing person is still existing.

Thereafter, the Shari'ah court will make every attempt to locate her husband. They will send people in search of him to every place where it is believed he could be. Letters may also be sent to assist and announcements may be made over radio and in newspapers. If he is **not** located after an extensive search and all hope is lost, the Shari'ah court will instruct the wife to wait for four years. If the husband is still missing after four years, she may appeal to the court again and have her Nikaah (marriage) nullified. The court will then nullify her Nikaah on the assumption that her husband has passed away. She will have to pass the Iddah of a woman who has been given a Raj'ee[31] divorce, after which she may remarry if she pleases.

NOTE: It is Waajib for the wife to wait for four years. Of course, this will **not** be difficult if she is able to remain chaste within this period and has her husband's wealth to support her or the assistance of family and friends. However, if she does **not** have these means of supporting herself and cannot protect her chastity for this period, she may swear on oath before the Shari'ah court that she cannot live without a husband. In this case, the court has the jurisdiction to nullify her marriage after one year. [Al Heelatun Naajiza Pg. 80; Ahsanul Fataawaa Vol. 5 Pg. 422]

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[30] The trustworthiness of a witness in a Shari'ah court will have to be proven beyond doubt before his testimony is accepted.

[31] A Raj'ee divorce is a revocable divorce, after which a husband can take his wife back within the Iddah without renewing the marriage.

The Wife of an Absconded Person

A man left on a journey and then absconded. Neither does he return to his wife nor does he call her to him. In addition to this, he neither supports her nor divorces her. Such a woman can take the case to a Shari'ah court and swear on oath that her husband did **not** leave enough for her to live on, neither does he send anything for her to live on. She should also swear on oath that she had never waived him of this responsibility and present two witnesses to testify that her Nikaah is still valid. After she has proven the above to the court, another person may assume the responsibility of providing for the wife on the husband's behalf. If this does **not** happen, the court will send two persons to the husband who will secure a promise from him that he will provide for his wife. If he refuses to assume responsibility, the wife will have to wait a month for the husband to reconsider the situation. If he remains adamant, the court will nullify the marriage.

If the court cannot locate the person, an announcement will be publicised to the effect that he will be given a specific duration of time to present himself, failing which his marriage will be nullified. If no response is received, the court may nullify the marriage as is done in the case of a missing person. The wife will then be required to observe the Iddah of a woman given a Raj'ee divorce, after which she may remarry if she pleases. However, if the husband wishes to take her back as his wife within the period of her Iddah, he may do so. If he only returns after the period of her Iddah, he cannot remarry her without her consent unless he can prove that her evidence was misleading. [Al Heelatun Naajiza Pg. 84; Ahsanul Fataawaa Vol. 5 Pg. 414]

A Husband Disappears at Sea

People were travelling on sea when their ship sunk. Amongst those certified missing was the husband of a Muslim woman. It is necessary that she begins her Iddah immediately upon hearing the news. After her Iddah, she is at liberty to remarry if she pleases. However, if the husband is **not** certified missing and the possibility exists that he could have reached the shore, the Shari'ah court will only regard him as dead after a long period has passed. Only after this period will they nullify the marriage. In either of the above two cases, the husband will be assumed dead and his estate will be dissolved. [Ahsanul Fataawaa Vol. 5 Pg. 423]

A Musaafir Disappeared in a Revolution or Civil Unrest

A Musaafir was staying in a town when he was suddenly caught in a revolution or civil fighting. After a long while, there was still no news of him and it was uncertain whether he was alive or dead. After this period, if the wife wants the Nikaah nullified, she may approach the Shari'ah court. The court will launch an extensive search and will only nullify the marriage once it is reasonably sure that the husband was killed in the fighting. After this, the wife will have to pass her Iddah after which she may remarry. [Ahsanul Fataawaa Vol. 4 Pg. 331; Shaami Vol. 3 Pg. 363 and Vol. 4 Pg. 331]

What if the Missing Husband Returns?

After her marriage was nullified when her husband absconded or went missing, a woman remarried. However, her husband reappeared after she remarried. The ruling of the Shari'ah is outlined as follows:

A) The wife will have to return to first husband without the need of a new marriage.

B) If the second husband consummated the marriage or had spent time in private with the wife, he will have to pay the Mahar (dowry) in full and she will have to pass the Iddah of a divorcee. However, neither the Mahar nor Iddah will be due if the second husband did comsummate the marriage and did **not** spend time in private with his wife.

C) She may spend the Iddah with her first husband on condition that no intercourse takes place. The children born to the second husband will be his, as well as the children born during the Iddah. [Ahsanul Fataawaa Vol. 5 Pg. 421]

If the missing person returns before the expiry of his wife’s Iddah, he may have her back without renewing the Nikaah. However, if he returns after the Iddah, he may **not** have her back without her consent unless he proves that her testimony leading to the nullification of the Nikaah was misleading. [Al Heelatun Naajiza Pg. 85]

Is a Wife Entitled to Maintenance when she Refuses to Travel with her Husband?

A husband wants to take his wife along with him on a journey, but she refuses to join him. Because, she will **not** be regarded as a disobedient wife in this case, the husband cannot force her to accompany him. Therefore, she is entitled to receive maintenance for the duration of his absence. [Shaami Vol. 2 Pg. 390]

A Musaafir's Wife is Abducted

A man was travelling with his wife when an enemy ambushed them and abducted her. She was only able to return to her husband after a while in which she was married to another man. Is the second marriage valid? If **not**, does she need to remain in Iddah? If a child was born, whose will it be?

According to the Shari'ah, the woman will remain married to her first husband and the second marriage will be invalid. If the second husband was aware of the woman's first marriage, any child born of the second marriage will be linked to the first marriage. In the case where she is married during the period of her absence, she will have to pass her Iddah upon return. Of course, Iddah will **not** be necessary if she was **not** remarried during her absence. [Ahsanul Fataawaa Vol. 5 Pg. 16]

If the Wife Accepts Islaam on a Journey

A non-Muslim couple was travelling when Allaah guided only the wife to accept Islaam. All marital relations will now be severed between the couple. However, the husband should also be invited to accept Islaam. If he accepts, their marriage will remain intact. However, if he refuses to accept, the Muslim court will separate the two.

This injunction of the Hanafi Madh'hab[32] cannot be easily practised in countries such as India where it has happened that the non-Muslim husband verbally accepts Islaam merely to salvage his marriage. However, he then murdered his wife by injecting her with poison.

[32] Hadhrat Imaam Abu Haneefa (A.R)'s school of jurisprudence.

Therefore, it is best that the ruling of the Shaafi’ee Madh’hab[33] be implemented in this case. According to the Shaafi’ee Madh’hab, the marriage will automatically terminate as soon as the wife passes the period of her Iddah. She may then remarry immediately.

However, if the husband verbally accepts Islaam, the wife shall **not** be returned to him until his sincerity is established. [Kitaabul Umm Vol. 5 Pg. 45; Ahsanul Fataawaa Vol. 5 Pg. 20]

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[33] Imaam Shaafi'ee (A.R)’s school of jurisprudence.

Injunctions Pertaining to Using the Masjid while on Journey

It is Permissible for a Musaafir to Eat and Sleep in a Masjid

A Mu'takif (person in I'tikaaf) and a Musaafir are permitted to eat and sleep in a Masjid. Allaama Halabi (A.R) has stated that it is most befitting of a Musaafir that he makes the intention of I'tikaaf whenever he eats or sleeps in a Masjid. [Kabeeri Pg. 612]

Quoting from Aalamgeeri, Allaama Shaami (A.R) states that it is necessary for a Musaafir and a non-Musaafir to make the intention of I'tikaaf before eating or sleeping in a Masjid. A person should therefore engage in some sort of Ibaadah before eating or sleeping in a Masjid. [Shaami Vol. 1 Pg. 489]

Using the Mats and Fans of a Masjid

Although it is permissible for a Musaafir to use the mats of a Masjid, he should do so with caution and should try to avoid using them if possible. He should **not use** any electricity such as switching on the fans unless it is time for the local Musallis to perform salaah. An example of this in the canonical books of jurisprudence is an injunction where it is stated that a person teaching children in a Masjid may **not** light the lantern to teach when it is **not** time for salaah. Because Isha salaah is performed during the first third of the night, a teacher is allowed to use the Masjid lantern for the first third of the night to teach. It is therefore learnt that Musaafirs may **not** leave any lights or fans on while they sleep. [Aalamgeeri Vol. 1 Pg. 215]

Staying in the Masjid

The Masjid is a sacred place and should be respected and honoured. Showing disrespect to the Masjid is a cause of wretchedness and spirtual loss. Rasulullaah (sallallaahu-alayhi-wa-sallam) said that speaking of material matters in the Masjid consumes a person's good deeds just as fire consumes wood.

In another hadith Rasulullaah (sallallaahu-alayhi-wa-sallam) said that when a person talks of material matters in the Masjid, the angels address him saying, “O Allaah’s friend, be silent.” If the person continues, they say, “O Allaah’s enemy, be silent.” When the person heedlessly continues even then, the angels snap, “May Allaah’s curse be on you! Be quiet!” [Al Madkhal Vol. 2 Pg. 55]

However, if people do **not** intentionally convene in the Masjid to discuss material matters, but they just happen to do so silently, there is no harm done. However, even this should be avoided.

Therefore, a Masjid should **not** be treated like Musaafir Khana (an inn). Travellers, visitors, etc should **not** be accomodated in the Masjid. Alternate accomodation should be arranged for them. However, if it is **not** possible to arrange alternate accomodation, they may use the Masjid only if they are able to strictly observe the etiquette of the Masjid. It must never occur that bedding lies around haphazardly in the Masjid with people reading newspapers, talking loudly and smoking in the Masjid. The sanctity of the Masjid is trampled in this way.

Mufti Abdur Raheem Laajpuri (A.R) has stated that only those people should be allowed to stay in the Masjid who are able to strictly abide by the etiquette of the Masjid. Those who cannot do this should **not** be allowed.” [Fataawaa Raheemiyya Vol. 6 Pg. 96 – Alaamgiri Vol 5 P 321]

What if One Requires a Bath of Janaabat[34] while in the Masjid?

If a person required a bath while sleeping in the Masjid, his Ghusl will be nullified as soon as he feels the semen emerging. It will be Mustahab for him make Tayammum immediately. If he cannot come out of the Masjid for some reason, it will then be Waajib for him to make Tayammum. [Shaami Vol. 1 Pg. 127]

If a Person has to Pass through a Masjid to reach a Bathroom for Ghusl

[34] A bath of Janaabat will be incumbent on one when semen is discharged.

A Musaafir requires to make Ghusl for Janaabah and has no alternative but to use the Masjid bathroom. However, to reach the bathroom, he has to pass through the Masjid. It is permissible for him to pass through the Masjid in the state of Janaabah, but it is Waajib for him to first make Tayammum. [Shaami Vol. 1 Pg. 126]

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Injunctions Pertaining to Returniing from a Journey

It is not Advisable to Prolong a Journey without Reason

The pattern of a person's life changes when he is travelling and he is often deprived of peace and contentment when on a journey. A person neither gets enough sleep while travelling, nor does he enjoy his meals as he should. In addition to this, he never has the contentment he enjoys while at home. It is for this reason that Rasulullaah (sallallaahu-alayhi-wa-sallam) has described travelling as a part of punishment. The hadith states, "Travelling is a portion of punishment because it prevents you from your food, drink and sleep. Therefore, return home to your family as soon as you accomplish your purpose (of travel)." [Kanzul Ummaal Vol. 3 Pg. 38]

The Mustahab Method of Returning Home

The universe is a portrait of beauty and excellence. The most beautiful and excellent standard among creation is the human being. This human being draws his heart towards beauty, splendour and attractiveness. However, the human becomes extremely disappointed when the beloved is **not** found to be rating high on the measures of beauty. Therefore, our guide (sallallaahu-alayhi-wa-sallam) has taught us to inform our families exactly when we will be returning from a long journey. In this way, a man's wife can beautify herself for him when he arrives.

When one returns safely from a journey after having accomplished one's purpose, this should be appreciated as the great bounty of Allaah it is. Therefore, one should first proceed to the Masjid upon one's return and perform two Rakaahs of salaah as a token of gratitude to Allaah. Imaam Bukhari (A.R) reports that it was the blessed habit of Rasulullaah (sallallaahu-alayhi-wa-sallam) to proceed first to the Masjid whenever he returned from a journey.

Is it Sunnah to Invite People for a Meal upon Returning from a Journey?

Even if a person experiences bliss and happiness while on a journey, he is naturally overjoyed when he is reunited with his family and friends upon returning home. Therefore, if a Musaafir invites people for a meal upon returning home without desiring ostentation, his joy will be increased, mutual love will be fostered between members of the family and relationships will be fortified.

When Rasulullaah (sallallaahu-alayhi-wa-sallam) once returned from a journey, he slaughtered a cow or a camel, had a meal prepared and invited the Sahaaba (R.A) for a meal. [Mirqaat Vol. 4 Pg. 333]

Is it Mustahab to Feed People before Leaving one Journey?

One of the best methods of expressing love and engendering strong mutual ties is to invite people for meals. In society there are various reasons that stimulate people to invite others for meals. Allaama Shaami (A.R) has classified these into eleven categories. These are:

1. "Khurs" i.e. a meal to commemorate the birth of a child.
2. "Aqeeqah" i.e. a meal fed seven days after a child's birth.
3. "Waleema" i.e. a meal fed after consummation of a marriage.
4. "Wakeera" i.e. a meal fed to celebrate a new house.
5. "Naqee'ah" i.e. a meal fed upon return from a journey.
6. "Wadeeha" i.e. an invitation from a neighbour or a relative when one is experiencing some difficulty.
7. "Ateera" i.e. a meal fed when an animal is slaughtered at the beginning of Rajab (majority of the Ulema do **not** sanction this).
8. "A'dhaar" i.e. a meal fed when a child is circumcised.
9. "Hadhaak" i.e. a meal fed upon completion of the Qur'aan.
10. "Milaak" i.e. a meal fed when marriage is contracted.
11. "Ma'duba" i.e. a meal fed without a specific reason or for a reason other than any of the above.

The meal fed before leaving on a journey may fall under the sphere of "Ma'duba". Hadhrat Maulana Zafar Ahmed Thanwi (A.R) has written that none of the above invitations to a meal hold any virtue by themselves, except the Waleema invitation. This is so because no

hadith has elaborated any virtue for these. However, if a person feeds family and friends as a token of gratitude to Allaah for any bounty, he will, Insha Allaah, earn reward for this. [I'laaus Sunan Vol. 16 Pg. 11]

It is Sunnah to bring Gifts from a Journey

To create joy and an atmosphere of hapiness at home, it is recommended that a person brings gifts for his family, children and friends when he returns from a journey. By doing this, **not** only is joy multiplied for all, but relationships are strengthened.

Hadhrat Aa'isha (R.A) reports that Rasulullaah (sallallaahu-alayhi-wa-sallam) said, "When any of you returns from a journey, he should bring some gift with him for his family even if it is a stone (i.e. even if it is something small)." [Bayhaqi]

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Injunctions Pertaining to Musaafaha and Mu'aanaqa[35]

The Virtue of Musaafaha

Rasulullaah (sallallaahu-alayhi-wa-sallam) mentioned, "When two Muslims meet each other and shake hands (with a mutual feeling of love and brotherhood), their (minor) sins are fogiven before they depart." [Abu Dawood Pg. 708]

When is it Sunnah to Shake Hands?

It is Sunnah for Muslims to shake hands when they greet each other with Salaam. Hadhrat Abu Dharr (R.A) reports that Rasulullaah (sallallaahu-alayhi-wa-sallam) shook his hands every time they met. [Abu Dawood Pg. 708]

According to a hadith of Tirmidhi, the Musaafaha is a completion of Salaam. Therefore, Salaam should be said before shaking hands. It often occurs that people shake hands without makng Salaam. This is contrary to the excellent example of Rasulullaah (sallallaahu-alayhi-wa-sallam).

Is Musaafaha Permissible upon Departure?

Musaafaha is permissible when one is departing. Mulla Ali Qaari (A.R) has stated that the time for Musaafaha is at the first meeting. Based on this statement, Hadhrat Maulana Abdul Hayy Farangi Mahalli (A.R) mentioned that it is **not** Sunnah to shake hands upon departure. However, Hadhrat Hakeemul Ummah Maulana Ashraf Ali Thanwi (A.R) has written that it is permissible to shake hands upon arrival and upon departure. [Imdaadul Fataawaa Vol. 4 Pg. 492]

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[35] Musaafaha refers to shaking hands and Mu'aanaqa refers to embracing when meeting.

Kissing the Hands after Musaafaha or Placing them on the Chest

There is no reason to kiss the hands or to place them on the chest after Musaafaha. It is rather a product of ignorance and stems from a lack of understanding Islaamic etiquette. In fact, Allaama Shaami (A.R) has condemned these acts as Makrooh Tahreemi. [Vol. 5 Pg. 337]

When is Mu'aanaqah Sunnah?

It is Sunnah to embrace a person who returns from a journey. It is also permissible to honour a person. Certain Ulema have stated that it is undesirable to embrace a person when one is wearing only a lower garment. [Aalamgeeri Vol. 5 Pg. 337]

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